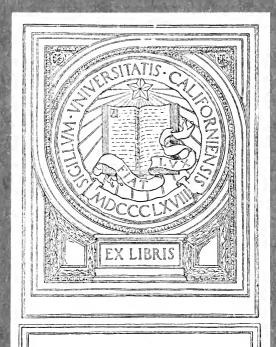
F 845 .25 .N4 1919



BANCROFT LIBRARY

3583 | anne martin gift senate bill

No. 51

Nevada Land Late !

INTRODUCED BY SENATOR SUMMERFIELD

(BY REQUEST)

February 24, 1919

Rules suspended, reading so far had considered first reading, rules further suspended, read second time by title, and referred to the Committee on Agriculture, Irrigation and Reclamation of Arid Lands.



AN ACT

TO PROVIDE FOR THE ORGANIZATION AND GOVERNMENT OF IRRIGATION DISTRICTS AND TO PROVIDE FOR THE ACQUISITION OR CONSTRUCTION THEREBY OF WORKS FOR THE IRRIGATION OF THE LANDS EMBRACED WITHIN SUCH DISTRICTS, AND ALSO TO PROVIDE FOR THE DISTRIBUTION OF WATER FOR IRRIGATION PURPOSES, PROVIDING FOR THE ISSUANCE OF BONDS ON SAID DISTRICTS, PROVIDING THAT SAID BONDS SHALL BE LEGAL INVESTMENTS FOR CERTAIN FUNDS. AND PROVIDING FOR THE COOPERATION OF SUCH DISTRICTS WITH RECLAMATION PROJECTS OF THE UNITED STATES GOVERNMENT.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. A majority in number of the holders of title.
- 2 or evidences of title, including the holders of possessory
- 3 rights, under receipts or other evidence of the rights of entry-
- 4 men or purchasers under any law of the United States or of
- ·5 this state, to lands susceptible of irrigation from a common
- 6 source and by the same system of works, including pumping
- 7 from subsurface or other waters, such holders of title, or
- 8 evidence of title and of possessory rights, representing a

F345

majority in value of said lands, according to the equalized

1

2

3

4 5

6

7

8 9

10

11

12

13

14

15

16 17

18 19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

county assessment roll or rolls for the year last preceding, may propose the organization of an irrigation district, under the provisions of this act; or the organization of an irrigation district of land susceptible of irrigation from a common source and by the same system of works, including pumping from subsurface or other waters, under the provisions of this act, may be proposed by written petition signed by not less than five hundred petitioners, each petitioner to be an adult person residing in the proposed district, or to be some person, corporation, association or partnership, the holder of title to lands in said proposed irrigation district, or evidence of title to land in said proposed irrigation district, including the holders of possessory rights under receipts or other evidence of the rights of entrymen or purchasers under any law of the United States or of this state; the said petitioners signing said petition shall include the owners of not less than twenty per cent in value of the land within said proposed irrigation district according to the equalized county assessment roll or rolls for the year last preceding. Such lands proposed to be organized into an irrigation district need not consist of contiguous parcels. Said equalized assessment roll or rolls shall be sufficient evidence of title and of such possessory rights, for the pur-

Said equalized assessment roll or rolls shall be sufficient evidence of title and of such possessory rights, for the purposes of this act, except that where property is assessed to unknown owners or the assessment roll does not purport to give the true name or gives the names of a portion only of the owners of any parcel, the actual owners of said property shall be considered the owners for all the purposes of this act, and owners of undivided interests may sign for such interest and each such owner shall be considered as one assessment payer; and provided, further, that guardians, executors, administrators or other persons holding property in a trust capacity

2

3

4 5

6 7

S

9

10

11

12

13

14

15

16 17

18

19

20

21

22

23

24

25

26

27

28

29

30

31 32

33

under appointment of court may sign any petition provided for in this act, when authorized by an order of court, which order may be made without notice. A certificate of acknowledgment taken before a notary public or justice of the peace of any state, or an affidavit by any person in the presence of whom such petition was signed, shall be sufficient evidence of the genuineness of such signature and of the fact of place of residence of any petitioner and any fact going to the qualifications of petitioners under this act.

Sec. 2. In order to propose the organization of an irrigation district, a petition shall be presented to the board of county commissioners of the county in which the lands within the proposed district, or the greater portion thereof, are situated, signed by the required number of holders of title, or evidence of title, including such aforesaid possessory rights to lands within such proposed district, and representing the requisite majority in value of said land, or a petition shall be presented to said board of county commissioners signed by not less than five hundred petitioners, each petitioner to the number of at least five hundred to be an elector in the proposed district, or to be some person, corporation, association or partnership, the holder of title to lands in said proposed irrigation district, or evidence of title to lands in said proposed irrigation district, including the holders of possessory rights under receipts or other evidence of the rights of entrymen or purchasers under any laws of the United States or of this state, the said petitioners signing said petition shall include the owners of not less than twenty per cent in value of the land within said proposed irrigation district according to the equalized county assessment roll or rolls for the year last preceding, which petition shall set forth generally the boundaries of the proposed district and also shall state generally the source or sources (which may be in

2

3

4 5

6

7

8

9

10

11 12

13

14

15

16

17 18

1920

21

22

23

24

25

26

27

28

29

30

31

32

33

the alternative) from which said lands are proposed to be irrigated, and shall pray that the territory embraced within the boundaries of the proposed district may be organized as an irrigation district under the provisions of this act. The petition may consist of any number of separate instruments. and must be accompanied with a good and sufficient undertaking, to be approved by the board of county commissioners, in double the amount of the probable cost of organizing such district, conditioned that the sureties shall pay all of said costs in case said organization shall not be effected. Said petition shall be presented at a regular meeting of said board and shall be published for at least two weeks before the time at which the same is to be presented in some newspaper of general circulation printed and published in the county where said petition is presented, together with a notice stating the time of the meeting at which the same will be presented; and if any portion of the lands within said proposed district lie within another county or counties, then said petition and notice shall be published, as above provided, in a newspaper published in each of said counties. When contained upon more than one instrument, one copy only of such petition need be published, but the names attached to all of said instruments must appear in such publication. On or before the day on which said petition is presented to said board of county commissioners a copy of said petition shall be filed in the office of the state engineer. When said petition is presented, said board of county commissioners shall hear the same and shall proceed to determine whether or not said petition complies with the requirements hereinbefore set forth and whether or not the notice required herein has been published as required, and must hear all competent and relevant testimony offered in support of or in opposition thereto. Said hearing may be adjourned from

2

3

4

5

6

7

8

9

10

11 12

13 14

15

16

17

18 19

 20°

21

2223

24

25

26

27

28 29

30

31

32

33

time to time for the determination of said facts, not exceeding two weeks in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings thereon; provided, such petition or petitions have a sufficient number of qualified signatures attached thereto. The determination of the board shall be expressed by resolution. it shall determine that any of the requirements hereinbefore set forth have not been complied with, the matter shall be dismissed, but without prejudice to the right of the proper number of persons to present a new petition covering the same matter or to present the same petition with additional signatures, if such additional signatures are necessary to comply with the requirements of this act. If the board of county commissioners shall determine that the petitioners have complied with the requirements hereinbefore set forth, it shall cause a copy of the resolution so declaring to be forwarded to the state engineer and shall postpone further hearing of said petition until a report shall be received from the state engineer. Upon receiving a copy of said resolution, the state engineer shall make or cause to be made such preliminary investigation as may be practicable, with a view to determining the feasibility of the project proposed to be undertaken. He shall report as soon as practicable, but at all events within ninety days, in writing, on the matter to the board of county commissioners from which the copy of said resolution was received, and such board of county commissioners at their next regular meeting following the receipt of said report shall set a time for the consideration of said report; provided, that such time shall not be less than one week from such regular meeting of said board of county commissioners; and provided, further, that notice of such time shall be given by registered mail to such party as shall have

2

3

 $\frac{4}{5}$

6 7

8

9

10

11

12

13 14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32 33

been designated for that purpose by the petitioners or by publication for at least three days in one daily newspaper published in the county in which the lands within the proposed district, or the greater portion thereof, are situated. A failure to give such last-mentioned notice, however, shall not affect the validity of subsequent proceedings. state engineer shall report that the supply of water available for the use of the proposed district, or that may be acquired by any practicable means, including the condemnation of existing rights, is not sufficient or that the project is not feasible for any other reasons or reason and if such report shall be filed with the said board of county commissioners before the expiration of ninety days from and after the date of the adoption of the aforesaid resolution, the hearing of the petition shall again be continued for not more than two months and shall then be dismissed, unless the board of county commissioners shall be petitioned in writing by threefourths in number of the holders of title or evidence of title including possessory rights, to land within said proposed district to grant the same; provided, that if such petition is not received the board of county commissioners may modify the plans for the proposed district in accordance with recommendations by the state engineer. If the report of the state engineer shall not compel the continuance of the matter as aforesaid, or if no report is received or if the state engineer makes a written statement that he has been unable to make such report, or if no report is made at the first regular meeting after the expiration of said ninety days, the board of county commissioners shall, at the meeting at which said report shall have been set for hearing, proceed to a final hearing of the petition. If said board shall, after receiving an adverse report from the state engineer, as aforesaid, decide to medify the plan as set forth in said petition or shall be

 $\mathbf{2}$

3

 $\frac{4}{5}$

6

7 8

9

10 11

12 13

1415

16 17

18

19

2021

22

23

24

25

 $\frac{26}{27}$

28

29

30

31

32

.33

requested in writing by three-fourths in number of the holders of title or evidence of title, including possessory rights, to the lands within said proposed district to grant said petition, said board shall then proceed at the time set to a final hearing of the matter. On a final hearing herein provided for, the board may adjourn from day to day, but not for a longer time, until a determination of the matter is reached. On said final hearing said board shall make such changes in the proposed boundaries as it may deem advisable and shall define and establish such boundaries, but said board shall not modify said boundaries so as to exclude from such proposed district any territory which is susceptible of irrigation from any of the sources proposed, unless said board shall decide to modify the plan for such proposed district, as herein provided, nor shall any lands which will not, in the judgment of said board, be benefited by irrigation by means of any of said systems or works be included within such proposed district. Lands already irrigated and riparian lands may be included in the district if in the judgment of the board of county commissioners such land will be benefited, or if the water used thereon or the rights to the use of water thereon should, in the judgment of the board of county commissioners, be taken or acquired for the district. Any person whose lands are susceptible of irrigation from any of the proposed sources may, upon his application, in the discretion of said board, have such lands included within said proposed district.

Sec. 3. The state engineer shall have authority, and it shall be his duty, to give information so far as may be practicable to persons contemplating the organization of irrigation districts under the provisions of this act. Whenever the state engineer shall deem it in the public interest that preliminary surveys and field investigations of proposed irriga-

2 3

4

5

6 7

8

9

10

 $\frac{11}{12}$

1314

15

16 17

18

19

20

21

22

23

24

2526

27

28 29

30

31

32

tion district projects shall be made at the expense of the state, the state engineer shall make such surveys and field investigations of proposed irrigation district projects, and, pending the completion of such surveys and investigation, the state engineer shall have authority to withhold from appropriation any unappropriated waters likely to be needed therefor.

Sec. 4. Upon the final hearing of said petition or said matter, the board of county commissioners shall make an order reaffirming its conclusions as to the genuineness and sufficiency of the petition and notice hereinbefore provided for, reciting that a report regarding the proposed district has been made by the state engineer and is on file with the other records of the board, and describing the boundaries of the proposed district as defined and established by said board. Said order shall be entered in full upon the minutes of said board. At said final hearing no evidence shall be heard against the genuineness or sufficiency of said petition or notice unless it shall be shown to the satisfaction of said board that new evidence which, if uncontradicted, would disprove the genuineness or sufficiency of said petition or notice has been discovered since said board adopted the resolution declaring that said petition and notice complied with all the requirements of this act. In case any new evidence is admitted, full opportunity shall be given for the introduction of evidence in rebuttal thereof.

Sec. 5. A finding of the board of county commissioners in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of Nevada upon suit commenced by the attorney-general. Any such suit must be commenced within one year after the order of the board of county commissioners declarated

2

3

5

6

7 8

9

10

11

12

13

1415

16 17

18

19

20

2122

23

24

25

 $\frac{26}{27}$

28

29

30

31

32 33 ing such district organized as herein provided, and not otherwise.

SEC. 6. If, on said final hearing, the boundaries of the proposed district are defined and established, said board shall make an order dividing said district into five divisions, as nearly equal in size as may be practicable, which shall be numbered first, second, third, fourth, and fifth, and one director shall be elected for each division by the electors thereof; provided, that if so'requested in said petition, the board may order that there shall be only three divisions in said district, and that only three directors be elected, and that the directors may be elected by the district at large, or by divisions, as such petition shall provide, but in any event such directors shall be elected to represent separate divisions and shall be residents of the respective divisions they are elected to represent.

ELECTION ON ORGANIZATION

Sec. 7. Said board of county commissioners shall then give notice of an election to be held in such proposed district. for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the boundaries so established, and shall designate a name for the proposed district, and said notice shall be published for at least three weeks previous to such election, in a newspaper published within the county in which the petition for the organization of the proposed district was presented; and if any portion of such proposed district is within another county or counties, then such notice shall be published for the same length of time in a newspaper published in each of said counties. Such notice shall require the electors to cast ballots, which shall contain the words "Irrigation District—Yes," or "Irrigation District—No," or words equivalent thereto, and also the names of persons to be voted

for at said election. For the purposes of said election the board of county commissioners must establish a convenient number of election precincts in said proposed district, and define the boundaries of the same. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state, but no particular form of

ballot shall be required.

 SEC. 8. At such election there shall be elected a board of directors, and an assessor, tax collector, and treasurer; provided, that where a consolidation of officers as hereinafter provided for is deemed advisable in the organization of a district, the petitioners may request in their petition for organization such consolidation, and the board of county commissioners calling the election shall in its order therefor announce such consolidation, and then only one person shall be elected to fill the several offices so consolidated.

SEC. 9. No person shall be entitled to vote at any election held under the provisions of this act unless he possesses all the qualifications required of electors under the general election laws of the state.

SEC. 10. The board of county commissioners shall meet on the second Monday succeeding such election, and shall proceed to canvass the votes cast thereat, and if upon such canvass it appears that at least two-thirds of all the votes cast are "Irrigation District—Yes," said board shall, by an order entered on its minutes, declare the territory duly organized as an irrigation district, under the name theretofore designated, and shall declare the persons receiving respectively the highest number of votes at said election to be duly elected.

SEC. 11. Said board shall then cause a copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of any county in which any portion

2

3

4

5 6

7

8

9 10

11

12

13 14

15

16 17

18

19

20

2122

23

24

25

26

2728

29

30

31

32

of the lands embraced in such district are situated, and must also immediately forward a copy thereof to the clerk of the board of county commissioners of each of said last-mentioned counties, and no board of county commissioners of any county in which any portion of the lands embraced in such district are situated shall, after the date of the organization thereof, allow another district to be formed including any portion of said lands, without the consent of the board of directors of the district in which they are situated. From and after such filing, the organization of such district shall be complete.

Sec. 12. Such election, on organization, may be contested by any person owning property within the proposed district liable to assessment. The directors elected at such election shall be made parties defendant. Such contests shall be brought in the district court of the county where the petition for organization is filed; provided, that if more than one contest be pending, they shall be consolidated and tried together. The court having jurisdiction shall speedily try such contest, and determine, upon the hearing, whether the election was fairly conducted and in substantial compliance with the requirements of this act, and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the vote and declaration of the result by the board of county commissioners. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of filing the notice of appeal.

SEC. 13. The officers elected at the election hereinbefore provided for shall immediately enter upon their duties as such, upon qualifying in the manner for such officers herein

 2

provided. Said officers shall hold offices respectively until their successors are elected and qualified.

ORGANIZATION AND CLASSIFICATION OF DIRECTORS

SEC. 14. The directors of any district created after the passage of this act, on the first Tuesday after their election, after they shall have qualified, shall meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire at the next general February election in this act provided for; and the term of office of the class having the lesser number shall terminate at the next general February election thereafter. After such classification, said directors shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors.

MEETINGS

SEC. 15. The board of directors shall hold a regular meeting on the first Tuesday of each month at the place selected as the office of the board; provided, that the board may, by resolution duly entered upon its minutes, fix any other time as the time for its regular monthly meeting, but no change in the time of holding regular meetings of the board shall be made until after the resolution proposing such change has been published once a week for two successive weeks in a newspaper published in the county in which the office of the district is kept. Such special meetings of the board of directors may be held as may be required for the proper transaction of the business of the district, but a special meeting must be ordered by a majority of the board. The order must be entered of record, and five days' notice thereof must by the

2 3

4

5

6

7 8

9

10

11 12

13

14

15

16 17

18

19

20

21

2223

24

25

26

27

28

29

30

31

32 33

secretary be given to each director not joining in the order. The order must specify the business to be transacted, and no other business than that specified in the order may be transacted at such special meeting, unless all the members are present and consent to the consideration of any business not specified in said order. All meetings of the board must be public and three members shall constitute a quorum for the transaction of business; provided, however, that when the board consists of three members only, then in such case two shall constitute a quorum for the transaction of business, but on all questions requiring a vote, except a motion to adjourn or a motion to adjourn to a stated time, there shall be a concurrence of at least the number constituting a quorum. A smaller number of directors than a quorum may adjourn from day to day. All records of the board shall be open to public inspection during business hours. Whenever any act is required to be done or proceeding taken by this act, or by an act supplemental or amendatory thereto, on the first Tuesday in any month, such act may be done or proceeding had upon the day specified in the resolution hereinbefore referred to as the time for the regular meeting of the board of directors; provided, also, that when a day other than the first Tuesday in the month shall have been specified as the time for the regular meeting of the board of directors, thereafter the newly elected officers of the district shall take office at noon on the day fixed for the regular monthly meeting of said board in March and said board shall meet for reorganization and the transaction of any other business of the district in the afternoon of said day.

Sec. 16. The board of directors at their regular monthly meeting in January of each year shall render and immediately thereafter cause to be published a verified statement of the financial condition of the district, showing particularly

2 3

4

5

6

7

8

9

10

11 12

13

14

15

16 17

18

19

20

21

2223

24

25

26

27

28

29

30

31

32

33

the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Said publication shall be made at least once a week for two weeks, in some newspaper, published in the county where the office of the board of directors of such district is situated.

POWERS AND DUTIES OF OFFICERS

Sec. 17. The board of directors shall have the power and it shall be their duty to manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for canal or canals, and the necessary branches for the same on any lands which may be deemed best for such location. Said board shall also have the right to acquire, by purchase, lease, contract, condemnation, or other legal means, all lands, and waters, and water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal, or canals, and works, whether in this or any other state, including canals and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances, and also where necessary or convenient to said ends to acquire and hold the stock of other corporations domestic or foreign owning waters, canals, water-works, franchises, concessions or rights. Said board may also acquire, own and manage such canals, reservoirs and other works jointly with other irrigation districts and irrigation corporations and may acquire the right to carry water through the canals of other irrigation districts and corpora-

3

4

5

6

7

8

9

10

11

12

13.

14

15

16

17

18

19

2021

22

2324

25

26

2728

29

30 31

32

33

tions, and may likewise grant the right to earry water through canals owned by it to other irrigation districts and irrigation corporations in this or adjoining states.

Sec. 18. No purchase or lease of any waters, or water rights, or canals, or reservoirs, or reservoir sites, or irrigation works, or other property of any nature or kind, or stock in any other corporation, for any price, aggregate rental or consideration, or exchange of bonds at par, in excess of ten thousand dollars, in any district whose area does not exceed fifty thousand acres, or in excess of fifty thousand dollars in any district whose area is over fifty thousand acres and not more than two hundred thousand acres, nor in excess of one hundred thousand acres, shall be final or binding on the district, nor shall the purchase price, rental or consideration or any part thereof, be paid or rendered until a petition of the majority of the holders of title, or evidence of title, and of possessory rights as aforesaid to lands within the district, such holders of title, or evidence of title, and of possessory rights, representing a majority in value of said land, according to the last equalized assessment roll of the district, if such has therefore been made, and if such has not been made, then according to the equalized county assessment roll covering lands of such district, shall have been filed with the board and an order of the board made thereon confirming such purchase, or until a petition shall be presented to said board of directors, signed by not less than five hundred petitioners, each petitioner to be an elector in the district or to be some person, corporation, association or partnership, holder of title to lands in said district or evidence of title to land in said district, including the holders of possessory rights under receipts or other evidence of the rights of entrymen or purchasers under any law of the United States or of this state, said petitioners to include the owners of not less

1 than twenty per cent in value of the land within said district 2 according to the equalized county assessment roll or rolls for the year last preceding, and an order of the board made 3 thereon confirming said purchase; provided, that such peti-4 5 tion shall not be required where the property to be purchased or the lease was specified in the plans approved by the irriga-6 tion district bond commission and adopted by the board of 7 directors as provided in section thirty of this act, or was 8 among the purposes specified for any bond issue authorized 9 10 by vote of the electors of said district.

11

12

13

14 15

16 17

18

19

20

21

22

23

2425

26

27

28 29

30

31

32 33

Sec. 19. The board of directors of any irrigation district may also construct the necessary dams, reservoirs, and works for the collection of water for said district, and do any and every lawful act necessary to be done, that sufficient water may be furnished to each land owner in said district for irrigation and domestic purposes; provided, that where, within irrigation districts mutual water companies have been organized to furnish water to certain specified lands within said districts, the board of directors of such districts are hereby authorized and empowered to contract for the delivery of water for such lands as lie within the boundary of said water companies, through said mutual water companies only. The said board is hereby authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act, in the name of such irrigation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof. And in all courts, actions, suits or proceedings, the said board may sue, appear and

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

1920

21

22

23

2425

26

27 28

29

30

31

32 33 defend in person or by attorneys, and in the name of such irrigation district.

SEC. 20. It shall be the duty of the board of directors of any irrigation district to establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of said lands, which must be printed in convenient form for distribution in the district. Said board shall have power generally to perform all such acts as shall be necessary to fully carry out the purposes of this act.

CHANGE OF BOUNDARIES

Sec. 21. The board of directors, when they deem it advisable for the best interests of the district, and the convenience of the electors therof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the divisions or election precincts of the district or of both; provided, such changes shall be made to keep each division as nearly equal in area and population as may be practicable. Such change of boundaries of the divisions and precincts must be shown on the minutes of the board. The board of directors of any irrigation district now or that may hereafter be organized in the state, shall also have the power, and such board is hereby vested with the authority, to lease the system of canals and works in the district, or any part thereof, whenever such leasing may be for the benefit of the district; provided, that when the directors of any irrigation district contemplate the leasing of the canals and works of such district, they shall give notice of such contemplation by publishing the same in some newspaper published in the county in which such irrigation district lies, at least three weeks prior to the making of any lease, and such lease shall be made to the highest bidder. But such board shall have the right to reject any and all bids. Such lease shall in no way interfere with any rights

 $\frac{25}{26}$

that may have been established by law, at the time such lease is made; and, further provided, that the board of directors shall require a good and sufficient bond to secure faithful performance of the lease by the lessees.

CONDEMNATION

Sec. 22. In case of condemnation proceedings the board shall proceed, in the name of the district, under the provisions of chapter sixty-six of the civil practice act of the State of Nevada, and all pleadings, proceedings, and process in said chapter provided shall be applicable to the condemnation proceedings hereunder.

USE OF WATER

Sec. 23. The use of all water required for the irrigation of the lands of any district formed under the provisions of this act, or the act of which this is supplementary or amendatory, and for domestic or other incidental and beneficial uses, within such district, together with the rights of way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this act, is hereby declared to be a public use, subject to the regulation and control of the state, in the manner prescribed by law.

SEC. 24. It is hereby expressly provided that all waters distributed for irrigation purposes shall be apportioned ratably to each land owner upon the basis of the ratio which the last assessment of such owner for district purposes within said district bears to the whole sum assessed upon the district; provided, that any land owner may assign the right to the whole or any portion of the waters so apportioned to him.

GENERAL ELECTION

Sec. 25. An election, which shall be known as the general irrigation district election, shall be held in each irrigation

district on the first Wednesday in February in each odd-1 2 numbered year, at which a successor shall be chosen to each officer whose term shall expire in March next thereafter. The 3 person receiving the highest number of votes for each office to 4 5 be filled at such election shall be elected thereto. The elective officers of an irrigation district shall be as many directors as 6 there are divisions in the district, and an assessor, a collector 7 and a treasurer; provided, that if any two or more offices 8 9 shall have been consolidated as provided in section seven or section twenty-seven hereof, only one person shall be elected 10 to fill such consolidated offices. The term of office of each 11 elective officer of an irrigation district elected at or after 12 the general irrigation district election in one thousand nine 13 hundred nineteen shall be four years, or until his successor 14 15 is elected and has qualified.

16

17

18

19

20

21

22

23

24

 $\frac{25}{26}$

27

28

29

30

31

32

33

Within ten days after receiving their certificates Sec. 26. of election hereinafter provided for, said officers shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond hereinafter provided for. The assessor shall execute an official bond in the sum of five thousand dollars, and the collector an official bond in the sum of twenty thousand dollars, and the district treasurer an official bond in the sum of fifty thousand dollars; each of said bonds to be approved by the board of directors; provided, that the board of directors may, if it shall be deemed advisable, fix the bonds of the treasurer and collector, respectively, to suit the conditions of the district, the maximum amount of the treasurer's bond not to exceed fifty thousand dollars, and the minimum amount thereof not to be less than ten thousand dollars; and the maximum amount of the collector's bond not to exceed twenty thousand dollars, and the minimum amount of the collector's bond not to be less than five thousand dollars. Each member of

2

3

4

5

6

7

8 9

10 11

12

13

14

15

1617

18

19

20

21

22

23

2425

26

27

28

29

30

31 32

33

said board of directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by the judge of the district court of said county where such organization was effected, and shall be recorded in the office of the county recorder thereof, and filed with the secretary of said board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers and the premiums thereon may be paid by the district; provided, that in case any district organized under this title is appointed fiscal agent of the United States or by the United States in connection with any federal reclamation project, each of said officers shall execute a further and additional bond in such sum as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his office and the faithful discharge by the district of its duties as fiscal or other agent of the United States under any such appointment or authorization, and any such bond may be sued upon by the United States or any person injured by the failure of such officer or the district to fully, promptly and completely perform their respective duties.

SEC. 27. If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of directors of such district, signed by ten per cent of the electors residing within the boundaries of any such irrigation district, requesting that a special election be called for the election of such officers, the directors of such district shall thereupon call a special election thereof for the election of such officers, such election to be held within not less than fifteen, nor more than thirty days after the filing of such petition.

ORGANIZATION OF BOARD

Sec. 28. At noon of the first Tuesday in March next fol-

2

3

4

5

6

7

S

9

10

11

12

13

14

15

16

17

18

1920

21

22

2324

2526

2728

29

30

31

32

33

lowing their election, except as provided in section fourteen of this act, the officers who shall have been elected at the preceding general irrigation district election shall enter upon the duties of their respective offices. On the first Tuesday in March next following each election, the directors shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board.

NOTICE OF ELECTION

Fifteen days before any election held under this act, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place, to be determined by said board, specifying the polling places of each precinct. Prior to the time for posting the notices, the board must appoint for each precinct, from the electors thereof, one inspector and two judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election, designate the house or place within the precinct where the election must be held.

CONDUCT OF ELECTIONS

SEC. 30. The inspector is chairman of the election board and may administer all caths required in the process of an election; and appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any

member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election of each precinct, must, before opening the polls, appoint two persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at 8 a. m. on the morning of the election, and be kept open until 4 p. m., when the same must be closed.

SEC. 32. Not less than ten days before election, any ten or more electors in the district may file with the board of directors a petition, requesting that certain persons, specified in such petition, be placed on the ballot as candidates for the office named in the petition. The names proposed by the various petitions so filed, and no others, shall be printed on the ballots. But there shall be sufficient blank spaces left in

2

 $\frac{3}{4}$

5

6

7

8

9

10

11

12

13

14

15

16 17

18

19

20

21

22

23

24

2526

27

28

29

30

31

32

which electors may write other names if they so desire. The petitions shall be preserved in the office of the secretary of the district.

Sec. 33. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted as nearly as practicable, in accordance with the provisions of the general election laws of this state. As soon as all the votes are counted, a certificate shall be drawn up on each of the papers containing the poll-list and tallies, or attached thereto, stating the number of votes each one voted for has received. and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk, judge. and the inspector. One of said certificates, with the poll-list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally list by the clerks; and said ballots, together with the other of said certificates, with the poll-list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and clerks, and indorsed "Election Returns of (naming the precinct) Precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months; and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns,

 $\frac{24}{25}$

and demand a recount of the votes of the precinct that is so claimed to have been incorrectly counted.

SEC. 34. No list, tally paper, or certificate returned from any election, shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and estimating the vote of the district for each person voted for, and declaring the result thereof.

SEC. 35. The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show:

(a) The whole number of votes cast in the district, and in each division of the district; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of such persons; (e) the number of votes given in each division for the office of director, and the number of votes given in the district for the offices of assessor, collector, and treasurer. The board of directors must declare elected the persons having the highest numbr of votes given for each office. The secretary must immediately make out and deliver to such person a certificate of election, signed by him, and authenticated with the seal of the board.

In case of a vacancy in the office of assessor, collector, or treasurer, the vacancy shall be filled by appointment of the

board of directors; provided, that if said board of directors 1 shall neglect or refuse to make such appointment within a 2 3 period of forty days, then the board of county commissioners of the county wherein the office of said board of directors is 4 situated shall make such appointment. In case of a vacancy 5 in the office of director, the vacancy shall be filled by appoint-6 7 ment by the board of county commissioners of the county where the office of such board of directors is situated, from 8 the division in which the vacancy occurred. An officer 9 appointed as above provided shall hold his office until the 10 next regular election for said district, and until his successor 11 is elected and qualified. 12

SEC. 36. A director shall be a resident and freeholder of the irrigation district and a resident of the division which he is elected to represent.

13

14

15

16

17

18

19

20

21

22

 $\frac{23}{24}$

25

26

2728

29 30

31

32

33

SEC. 37. The board of directors may, in its discretion, consolidate any two or more of the offices of assessor, collector, and treasurer. The order of consolidation must be made at least thirty days prior to general election of the district, and shall take effect at the next succeeding election; provided, that the board of directors may, at least thirty days before a general election of the district, where the offices have been consolidated, segregate the same, each office to be filled at such election.

SEC. 38. In any district the board of directors thereof must upon a presentation of the petition therefor, by a majority of the holders of title, or evidence of title, of said district, evidenced as above provided, order that on and after the next ensuing general election for the district, there shall be either three or five directors.

Sec. 39. The holder of any elective office of any irrigation district may be removed or recalled at any time by the electors; *provided*, he has held his office at least six months.

2

3

4 5

6 7

8 9

10

11

12

1314

15

16

17

18

19

20

 $\frac{21}{22}$

23

24

25

26

27

28

29

30

31

32

33

The provisions of this section are intended to apply to officials now in office, as well as those hereafter elected. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the secretary of the board of directors of such district, which petition shall be signed by registered voters equal in number to at least twenty-five per cent of the highest vote cast within such district for candidates for the office, the incumbent of which is sought to be removed, at the last general election in such district at which an incumbent of such office was elected, or, in the case of the removal of the incumbent of an office elected by a subdivision of such district, such petition shall be signed by a like percentage of qualified electors of such subdivision computed upon the total number of votes east in such subdivision for all candidates for the office, the incumbent of which is sought to be removed, at the last general election in such subdivision at which an incumbent of such office was elected; and said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in nowise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the precinct, and if within a town having named streets and numbered houses, street and number. Each such separate paper shall have attached thereto an affidavit made by an elector of the district and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best informa-

2 3

4

5 6

7

8

9 10

11

12

13

14

15

16 17

18

1920

21

22

23

2425

26

2728

29

30

31

32

33

tion and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified elector of the district. Within ten days from the date of filing such petition, the secretary of the board shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination. If by the said certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The secretary shall, within ten days after such supplementing papers are filed, make like examination of a supplementing petition, and if a certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If the petition shall be found to be sufficient, the secretary shall submit the same to the board of directors without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; provided, that if a general election is to occur within sixty days, from the date of the order calling for such election, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election for officers of such district occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16 17

18 19

20

21

22. 23

2425

26

27

28

29

30

31

32

33

petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose a removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be made in the manner prescribed by section thirty-two of this act.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X) his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The election shall be conducted, canvass of all votes for candidates for said office shall be made and the result declared in like manner as in a regular election within such district. If the vote at any such recall election shall recall the officer, then the candidate who

 $\frac{1}{2}$

3

4 5

· 6

8

9 10

11

12

13 14

15

1617

18

19 20

21

22

23

24

25

26

2728

29

30

31

32

33

has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law. If the vote at any such recall election shall not recall the officer, no further petition for the recall of such officer shall be filed before the expiration of six months from the date of such first recall election.

TITLE TO AND SALE OF PROPERTY

Sec. 40. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such irrigation district, and shall be held by such district, in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this act. And said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein The board of directors may determine by resoluprovided. tion duly entered upon their minutes that any property, real or personal, held by such irrigation district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell such property; and a conveyance of any property held by an irrigation district, executed by the president and secretary thereof, in accordance with a resolution of the board of directors of each district, when sold for a valuable consideration, shall convey good title to the property so conveyed.

ISSUANCE OF BONDS

Sec. 41. For the purpose of constructing or purchasing necessary irrigation canals and works, and acquiring the necessary property and rights therefor, and for the purpose of acquiring waters, water rights, reservoirs, reservoir sites, and other property necessary for the purposes of said dis-

2

3

4

5

6

 $\sqrt{7}$

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

trict, and otherwise carrying out the provisions of this aet, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and also whenever thereafter the board of directors shall find that the construction fund raised by the last previous bond issue is insufficient, or that the construction fund has been exhausted by expenditures herein authorized therefrom and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, said board shall cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for the said estimate. All such surveys, examinations, drawings and plans, and the estimate of cost based thereon shall be made under the direction of a competent irrigation engineer and shall be certified by him.

Sec. 42. The board of directors shall then submit a copy of the said engineer's report to the board of county commissioners of the county in which the district or the major portion thereof is situated. Said commissioners shall forthwith examine said report and any data in its possession or in the possession of said district and shall make such additional surveys and examinations at the expense of the district as it may deem proper or practicable, and as soon as practicable thereafter shall make to the board of directors of said district a report which shall contain such matters as, in the judgment of the said commissioners, may be desirable; provided, that it may state generally the conclusions of said commissioners regarding the supply of water available for the project, the nature of the soil proposed to be irrigated as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage,

6

7

8

9

10

11

12

13

14

15

16

17 18

19 20

21

22

23

24

2526

27

28

29

30

31

32

33

the cost of works, water rights and other property necessary for a complete and satisfactory project, and whether, in its opinion, it is advisable to proceed with the proposed bond issue.

Sec. 43. If after such examination and investigation the said commissioners shall deem it advisable that the said plans be modified or that the amount of the bonds proposed to be issued be changed, or that under such conditions as the said commissioners shall prescribe such project or plan or works seems likely to prove feasible, or that in its opinion it is not advisable to proceed with the proposed bond issue, it shall so report to the board of directors of the district in writing. After receiving the said report, said board of directors, if it shall determine and shall declare by resolution that the proposed plan of works is satisfactory and that the said project is feasible, shall make an order determining the amount of bonds that should be issued in order to raise the money necessary therefor; and provided, further, that if any district shall issue bonds to carry out any plans approved by said commissioners as herein provided it shall be unlawful for said district to make any material change in said plans thereafter without the consent of said commissioners.

SEC. 44. Thereafter said board when petitioned by a majority of the holders of title, or evidence of title, and of possessory rights to lands within the district, such holders of title, or evidence of title, and of such possessory rights representing a majority in value of said lands according to the equalized assessment roll of the district, if such has theretofore been made, and, if such has not been made, then according to the equalized county assessment roll covering the lands in such district, or when petitioned by not less than one hundred petitioners, each petitioner to the number of at least one hundred to be an elector in the district, or to be

some person, corporation, association or partnership, the holder of title to land in the district or of evidence of title to land in said district, and which said petitioners sign-ing said petition shall include the owners of not less than twenty per cent in value of the land within the irrigation district, according to the equalized county assessment roll or rolls for the year last preceding, shall immediately call a special election, at which shall be submitted to the electors of such district possessing the qualifications prescribed by this act, the question whether or not the bonds of said dis-trict in the amount as set forth in said petition shall be issued.

SEC. 45. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; provided, that no informalities in conducting such an election shall invalidate the same if the election shall have been otherwise fairly conducted.

SEC 46. At said election questions as to the issuance of bonds may be submitted separately on the same ballot if estimates of the cost of the respective projects have been made and the board of county commissioners has reported thereon and the aforesaid petition has requested that said questions be so submitted and the respective propositions have been stated in the notices of the election. At such elec-

1 tion the ballots shall contain a general statement of the proposition or propositions to be voted on, including the 2 amount of bonds proposed to be issued for each purpose, but 3 4 no informality in such statement shall vitiate the election. 5 Each proposition shall be followed by the words "Yes" and 6 "No;" on separate lines, with a small inclosed space after 7 each of said words. The electors shall vote for or against 8 any proposition by stamping a cross (X) in the voting space after the word "Yes" or "No," respectively. On the ballot 9 10 shall be printed the following under the heading "Instructions to voters": "To vote for a proposition, stamp a cross 11 (X) in the voting space after the word 'Yes' following the 12 13 proposition. To vote against a proposition, stamp a cross 14 (X) in the voting space after the word 'No' following the 15 proposition." If a majority of the votes cast for and against any proposition are for "Yes," the board of directors shall 16 17 cause bonds in the amount specified in such proposition to 18 be issued; if a majority of the votes cast for or against any 19 proposition are for "No," the result of the vote on such 20 proposition shall be so declared and entered of record. 21Whenever thereafter a petition of the character hereinbefore 22provided for in this section is presented to the board, it shall 23so declare of record in its minutes and shall thereupon sub-24 mit such questions to said electors in the same manner and 25 with like effect as at such previous election. 26

SEC. 47. All bonds issued under the provisions of this act shall be payable in gold coin of the United States, in twenty series, as follows, to wit: At the expiration of twenty-one years from the date of any issue of said bonds, two per centum of the whole amount of such issue; at the expiration of twenty-two years from said date, two per centum of the whole amount of such issue; at the expiration of twenty-three years from said date, three per centum of the whole

27

28

29

30

31

32

33

2

3

4

5

6 7

8

9

10

11

12

13

14

15

16

17

18

19

20

 $\frac{21}{22}$

23

24

25

26

2728

29

30

31 32

33

amount of such issue; at the expiration of twenty-four years from said date, three per centum of the whole amount of such issue; at the expiration of twenty-five years from said date, four per centum of the whole amount of such issue; at the expiration of twenty-six years from said date, four per centum of the whole amount of such issue; at the expiration of twenty-seven years from said date, four per centum of the whole amount of such issue; at the expiration of twenty-eight years from said date, four per centum of the whole amount of such issue; at the expiration of twentynine years from said date, five per centum of the whole amount of such issue; at the expiration of thirty years from said date, five per centum of the whole amount of such issue; at the expiration of thirty-one years from said date, five per eentum of the whole amount of such issue: at the expiration of thirty-two years from said date, five per centum of the whole amount of such issue; at the expiration of thirty-three years from said date, six per centum of the whole amount of such issue; at the expiration of thirtyfour years from said date, six per centum of the whole amount of such issue; at the expiration of thirty-five years from said date, six per centum of the whole amount of such issue; at the expiration of thirty-six years from said date, six per centum of the whole amount of such issue; at the expiration of thirty-seven years from said date, seven per centum of the whole amount of such issue; at the expiration of thirty-eight years from said date, seven per centum of the whole amount of such issue; at the expiration of thirty-nine years from said date, eight per centum of the whole amount of such issue; at the expiration of forty years from said date, eight per centum of the whole amount of such issue; provided, that the bonds of any issue may be made payable. at the end of shorter periods than are specified herein and

2

3

4

 $\tilde{\mathbf{c}}$

6

7

8

9

10

11

12

13

14

1516

17

18

19

20

21

22

2324

25

26

2728

29

30

31

32

33

the number of series in any issue may be less than twenty, if the number of series in the proposed issue and the proposed periods at the end of which the respective series shall be payable are specified in the petition and in the notices of the election provided for in section thirty of this act. While the foregoing several enumerated percentages are of the entire amount of the bond issue, each bond must be made payable at a given time for its entire amount and not for a percentage. The date of issue of any bond authorized under this act shall be deemed to be the apparent date of issue of the said bonds appearing upon the face thereof, which date shall be subsequent to the date of the bond election authorizing said bonds and prior to the date of actual delivery of said bonds to the purchasers thereof. Said bonds shall bear interest at a rate to be determined by the board of directors of the district issuing them, but not exceeding six per cent per annum payable semiannually on the first day of January and the first day of July of each year. Principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred dollars nor more than one thousand dollars, as the board of directors may determine; shall be negotiable in form, signed by the president and secretary of said board of directors, and the seal of the board shall be affixed thereto. Each issue shall be numbered consecutively as issued, and bonds of each issue shall be numbered consecutively and bear date at the time of their Coupons for the interest shall be attached to each bond, signed by the secretary. Said bonds shall express on their face that they were issued by authority of this act, stating its title and date of approval, and also stating the number of the issue of which such bonds are a part. The secretary shall keep a record of the bonds sold, their num-

2 3

4

5

6

7

8 9

10

11

12

13

14

15

1617

18

19

20

2122

23

 $\frac{24}{25}$

26

27

28

29

30

31

32

33

ber, the date of sale, the price received and the name of the purchaser. The provision of this section defining what shall constitute the date of issue of bonds shall apply to any and all bonds issued in pursuance of this act.

Sec. 48. The board may sell said bonds from time to time in such quantities as may be necessary and most advantageous to raise money for the construction of said canals and works, the acquisition of said property and rights, or the acquisition of any water or water rights, and otherwise to fully earry out the objects and purposes of this act. Before making any sale the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least three weeks in some newspaper published in the county where the office of the board of directors is located, and in any other newspaper at its discretion. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of the bonds or any portion or portions thereof to the highest responsible bidder or bidders; provided, however, that they may reject any or all bids.

any or all bids.

SEC. 49. When bonds are issued bearing date other than January first or July first, it shall be lawful to make such bonds payable upon the first day of January or first day of July nearest the date when the same would be payable under the provisions of section 47 of this act, or to make the last interest coupon payable upon the date when the principal of said bond is payable.

Sec. 50. If any irrigation district bonds have been author-

2 3

4

5

6

7

8

9

10

11

12

13

14

1516

17

18

19

20

 $\frac{21}{22}$

 $\frac{23}{24}$

25

26

27

28

29

30

31 32

33

ized before the time when this section shall go into effect but have not been sold and the board of directors of said district deems it desirable that said board be authorized to sell said bonds for less than the par value thereof, said board may call a special election to submit to the voters of the district said proposition. Such election shall be held and notice thereof shall be given in the same manner as is provided in the case of special elections to authorize the issuance of bonds in irrigation districts. The proposition shall be stated in substantially the following form: "Shall the board of directors of.....(insert the name) irrigation district be authorized to sell bonds of the district for less than the par value thereof?" followed by the words "Yes" and "No," as provided in section thirty hereof. If at least two-thirds of the legal votes east at such election are for "Yes," then the board of directors may sell any bonds authorized by said district before this section shall take effect to the highest responsible bidder or bidders, as is provided in the foregoing section. If less than two-thirds of the legal votes cast at such election shall be for "Yes," the result shall be entered of record.

SEC. 51. Said bonds and the interest thereon shall be paid from revenue derived from an annual assessment upon the land within the district; and all the land within the district shall be and remain liable to be assessed for such payments as hereinafter provided; provided, however, that if the amount of the tax levied upon the property within any district shall at any time be insufficient to pay the interest on said bonds and provide for their retirement as provided in this section, the board of county commissioners of the county within which said district or the major portion thereof is located are hereby required to levy and collect annually a special tax on the assessed valuation of all property, real and

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18 19

20

 $\frac{21}{22}$

23

 $\frac{24}{25}$

26

27

28

29

30

31 32

33

personal subject to taxation, within the boundaries of said county and continue such levy from year to year to meet any deficit which may occur in said district bond sinking fund, and pledge the faith and eredit of said county to the prompt and ready payment of said bonds and the interest thereon according to the terms, conditions and tenor thereof. Sec. 52. In case the money raised by the sale of bonds issued be insufficient, or in case the bonds be unavailable for the completion of the plan of canal and works adopted, and the aequisition of the necessary property, waters and water rights therefor, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan, and the acquisition of such necessary property, waters and water rights, by levy of assessments therefor; provided, however, that such levy of assessments shall not be made except first an estimate of the amount required for such purposes has been made by said board, and the question as to the making of said levy submitted to a vote of the electors of the district. Before such question is submitted, the order of submission shall be entered in the minutes of the board, stating the amount to be levied and the purpose therefor, and if submitted at a special election, said order shall, in addition, fix the day of election. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept once a week for at least three successive weeks. Such notices must specify the time of holding the election, and the amount of assessment proposed to be levied. Said election must be held and the result thereof determined

and declared in all respects as nearly as practicable in con-

formity with the provisions of this act governing the election of officers; provided, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Assessment—Yes" or "Assessment—No," or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes," the board of directors shall cause an assessment in the amount named in the order of submission to be levied; if a majority of the votes cast are "Assessment—No," the result of such election shall be so declared and entered of record.

BONDS OF IRRIGATION DISTRICTS—WHEN LEGAL INVESTMENTS

13 FOR BANKS

1.61.7

SEC. 53. Whenever the board of directors of any irrigation district organized and existing under and pursuant to the laws of the State of Nevada shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of said district, including any of its bonds authorized but not sold, shall be made available for the purposes provided for in section seven of this act, the said board of directors shall thereupon file a certified copy of such resolution with the commission hereinafter provided for.

- SEC. 54. Such commission, upon the receipt of a certified copy of such resolution, shall, without delay, make or cause to be made an investigation of the affairs of the district and report in writing upon such matters as it may deem essential, and particularly upon the following points:
- (a) The supply of water available for the project and the right of the district to so much water as may be needed.
- (b) The nature of the soil as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage.
 - (e) The feasibility of the district's irrigation system and of

 $\frac{24}{25}$

- the specific project for which the bonds under consideration are desired or have been used, whether such system and project be constructed, projected or partially completed.
- (d) The reasonable market value of the water, water rights, canals, reservoirs, reservoir sites and irrigation works owned by such district or to be acquired or constructed by it with the proceeds of any of such bonds.
- (e) The reasonable market value of the lands included within the boundaries of the district.
- (f) Whether or not the aggregate amount of the bonds under consideration and any other outstanding bonds of said district, including bonds authorized but not sold, exceeds sixty per centum of the aggregate market value of lands within said district and of the water, water rights, canals, reservoirs, reservoir sites, and irrigation works owned, or to be acquired or constructed with the proceeds of any of said bonds, by said district, as determined in accordance with paragraphs (d) and (e) in this section.
- (g) The numbers, date or dates of issue and denominations of the bonds, if any, which the commission shall find are available for the purposes provided for in section seven of this act, and, if the investigation has covered contemplated bonds, the total amount of bonds which the district can issue without exceeding the limitation expressed in paragraph (f) of this section.

SEC. 55. The written report of the investigation herein provided for shall be filed in the office of the state controller, and a copy of said report shall by the commission be forwarded to the secretary of the district for which the investigation shall have been made, and if said commission shall have found, as set out in said report, that the irrigation system of the district and the specific project for which the bonds under consideration are desired or have been used,

2

3

4

5

6

7

S

9

11

12

13

14

15

16 17

18

19

 $\frac{20}{21}$

22

23

24

25

26

27

28

29

30

31

32

33

whether such project be constructed, projected, or partially completed, are feasible and that the aggregate amount of the bonds under consideration and any other outstanding bonds of said district, including bonds authorized but not sold, does not exceed sixty per centum of the aggregate market value of the lands within said district and of the water, water rights, canals, reservoir, reservoir sites, and irrigation works owned or to be acquired or constructed with the proceeds of any of said bonds by said district, the bonds of such irrigation district, as described and enumerated in said report filed with the state controller, shall be certified by the state controller, as hereinafter provided for. If the commission shall be notified by the board of directors, of any district whose irrigation system has been found in such report to be feasible that the district has issued bonds and the commission shall find that said bonds are for any project or projects approved in such report and that the amount of said bonds does not exceed the limitation stated in such report, the commission shall prepare and file with the state controller a supplementary report giving the numbers, date or dates of issue and denominations of said bonds, which shall then be entitled to certification by the state controller as hereinafter provided Subsequent issues of bonds may be made available for the purposes specified in this act upon like proceedings by said district, but after any of the bonds of an irrigation district have been enumerated and described as entitled to certification by the state controller as herein provided for, it shall be unlawful for that district to issue bonds that will not be entitled to such certification. It is hereby made the duty of the state controller to provide for the filing and preserving of the reports mentioned in this section and also, to make, keep and preserve a record of the bonds certified by him in accordance with the provisions of section 4 of this act,

including the date of certification, the legal title of the district, the number of each bond, its par value, the date of its issue and that of its maturity.

Sec. 56. The provisions of section 2 of this act as to the points upon which said commission shall report are directory merely and the board may authorize such certification when in their opinion, subject to the provisions otherwise contained in this act, their findings justify such action.

Sec. 57. Whenever the bonds of any irrigation district have been certified, as provided in this act, no expenditure of any kind shall be made from the construction fund of such district without the consent of the commission provided for in this act and no obligation shall be incurred chargeable against such fund without previous authorization of the commission nor shall any expense of any kind be incurred in excess of money actually provided by levy of assessment or otherwise.

SEC. 58. Whenever any bond of an irrigation district organized and existing as aforesaid, including any bond authorized in any such district but not sold, which shall be eligible to certification by the state controller under section three of this act, shall be presented to the state controller, he shall cause to be attached thereto a certificate in substantially the following form:

Carson City, Nevada (insert date)
I,, controller of the State

may be invested in county, municipal or school district bonds, and it may be deposited as security for the performance of any act whenever the bonds of any county, city, city and county, or school district may be so deposited, it being entitled to such privileges by virtue of an examination by the state engineer, the attorney-general and the bank examiner of the State of Nevada in pursuance of said act. The within bond may also be used as security for the deposit of public money in banks in said state.

Controller of State of Nevada.

In case of a change in the constitution or any of the laws of this state relating to the bonds of irrigation districts, the state controller shall, if necessary, modify the above certificate so that it shall conform to the facts.

A facsimile of the controller's signature, printed or otherwise, impressed upon said certificate shall be a sufficient signing thereof; *provided*, that the imprint of the controller's seal thereon shall appear upon both the certificate and the bond over and through the printed signature.

Sec. 59. The attorney-general, the state engineer, and the bank examiner are hereby constituted the commission herein provided for, and said commission shall elect one of its members chairman and may employ such clerks and assistants as may be necessary for the performance of the duties herein imposed, and may fix the compensation to be paid to such clerks and assistants.

Sec. 60. All necessary expenses incurred in making the investigation and report in this act provided for shall be paid as the commission may require by the irrigation district whose property has been investigated and reported on by the said commission; provided, that the benefit of any services that may have been performed and any data that may have

2

3

4

5

6

7

8

9 10

11 12

13 14

15

16

17

18

19

20

 $\frac{21}{22}$

23

2425

 $\frac{26}{27}$

28 29

30

31 32

33

been obtained by any member of said commission or any other public official in pursuance of the requirements of any law other than this act, shall be available for the use of the commission herein provided for without charge to the district whose affairs are under investigation.

Sec. 61. All bonds certified in accordance with the terms of this act shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may, by law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or municipalities in the State of Nevada, such money or funds may be invested in the said bonds of irrigation districts, and whenever bonds of cities, cities and counties, counties, school districts or municipalities may by any law now or hereafter enacted be used as security for the performance of any act, bonds of irrigation districts under the limitations in this act provided may be so used. This act is intended to be and shall be considered the latest enactment upon the matters herein contained, and any and all acts in conflict with the provisions hereof are hereby repealed.

DUTIES OF THE ASSESSOR

SEC. 62. The assessor must between the first Monday in March and the first Monday in June, in each year, assess all real estate in the district, to the persons who own, claim or have possession or control thereof, at its full cash value, as follows: He must prepare an assessment book, with appropriate headings, in which must be listed all such property within the district, in which must be specified, in separate columns, under the appropriate head: (1) The name of the person to whom the property is assessed, if the name is not known to the assessor, the property shall be assessed to

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

2425

26

27

28

2930

31

32

33

"unknown owners"; (2) land by township, range, section or fractional section, and when such land is not congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres and locality; (3) city and town lots, naming the city or town and the number and block, according to the system of numbering in such city or town; (4) the cash value of real estate, other than city or town lots; (5) the cash value of city and town lots; (6) the total value of all property assessed; (7) the total value of all property after equalization by the board of directors: (8) such other things as the board of directors may require. Improvements en any lands or town lots within such districts shall be exempt from taxation for any of the purposes mentioned in this act. Any property which may have escaped the payment of any assessment for any year, shall, in addition to the assessment for the then current year, be assessed for such year with the same effect and with the same penalties as are provided for in such current year. The term improvements as used in this section includes trees, vines, alfalfa and all growing crops and all buildings and structures of whatever class or description erected or being erected upon said lands or city or town lots.

SEC. 63. The board of directors must allow the assessor as many deputies, to be appointed by him, as will, in the judgment of the board, enable him to complete the assessment within the time herein prescribed. The board must fix the compensation of such deputies, which shall be paid out of the treasury of the district. The compensation must not exceed five dollars per day for each deputy, for the time actually engaged, nor must any allowance be made but for work done between the first Monday in March and the first Monday in August in each year.

 SEC. 64. On or before the first Monday in August in each year, the assessor must complete his assessment book, and deliver it to the secretary of the board, who must immediately give notice thereof, and of the time the board of directors, acting as a board of equalization, will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty nor more than thirty days from the first publication of the notice; and in the meantime the assessment book must remain in the office of the secretary for the inspection of all persons interested.

EQUALIZATION OF ASSESSMENT

Sec. 65. Upon the day specified in the notice required by the preceding section for the meeting, the board of directors, which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from time to time, as long as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the valuation and assessment as may come before them; and the board may change the valuation as may be just. The secretary of the board shall be present during its sessions, and note all changes made in the valuation of property, and in the names of persons whose property is assessed; and within ten days after the close of the session he shall have the total values, as finally equalized by the board, extended into columns and added.

LEVY OF AND COLLECTION OF ASSESSMENTS

Sec. 66. The board of directors shall then, within fifteen days after the close of its session as a board of equalization, levy an assessment upon the lands within the district in an amount sufficient to raise the interest due or that will become due on all outstanding bonds of the district on the first day of the next ensuing January and the first day of

the next ensuing July, or that the board of directors believes will become due on either or both of said dates on bonds authorized but not sold; also sufficient to pay the principal of all bonds of the district that have matured or that will mature before the close of the next ensuing calendar year: also sufficient to pay in full all sums due or that will become due from the district before the time for levving the next annual assessment, on account of rentals, or charges for lands, water rights acquired by said district under lease or contract; also sufficient to pay in full the amount of all unpaid warrants of the district issued in accordance with this act and the amount of any other contracts or obligations of the district which shall have been reduced to judgment; also sufficient to raise such amount not exceeding two per centum of the aggregate value of the lands within the district according to the latest duly equalized assessment roll thereof, as the board of directors shall determine may be needed to be raised by assessment for the general expenses of the district during the next ensuing calendar year.

SEC. 67. The secretary of the board must compute and enter in a separate column of the assessment book the respective sums in dollars and cents to be paid as an assessment on the property therein enumerated. The assessments shall be paid in two installments at the time and in the manner provided for the payment of taxes. When collected, the assessment shall be paid into the district treasury and be apportioned to the several proper funds.

SEC. 68. If as the result of the neglect or refusal of the board of directors to cause such assessment and levies to be made as in this act provided, then the duly equalized assessment made by the county assessor of the county or each of the respective counties in which the district is situated shall be the basis of assessment for the district, and the board of

3

county commissioners of the county in which the office of the

board of directors of said district is situated shall eause an assessment roll of said district to be prepared, and shall make

the levy required by this act, in the same manner and with 4 like effect as if the same had been made by said board 5 of directors and all expenses incident thereto shall be 6 borne by such district and may be collected by suit at law, 7 which shall be commenced by the district attorney of the 8 9 county whose board of county commissioners caused said 10 assessment roll to be prepared, unless the amount of such expenses shall be paid within sixty days from the time when. 11 proper demand shall have been made therefor. In ease of 12 the neglect or refusal of the collector or treasurer of any 13 irrigation district to perform the duties imposed by law, 14 then the tax collector and the treasurer of the county in 15 which the office of the board of directors of such district is 16 17 situated must respectively perform such duties and shall be 18 accountable therefor upon their official bonds; but, in case 19 any county tax collector shall collect any assessment for any 20 irrigation district, he shall pay the same to the county treas-21urer, who shall place such money in special fund to the credit 22 of the district and shall disburse the same to the proper per-23 sons for the purposes for which such assessments have been 24levied and shall not pay any part thereof to the treasurer of 25said district until said county treasurer shall be satisfied 26that all of the valid obligations for which such assessments 27 were levied and for which payment has been demanded have 28 been paid. 29 Sec. 69. It shall be the duty of the district attorney of 30 each county in which the office of any irrigation district is 31 located to ascertain each year whether the duties relating to 32 the levying and collection of assessments, as in this aet pro-33 vided, have been performed, and if he shall learn that the

 $\frac{2}{3}$

4

5 6

7

8

10 11

12

13

1415

16

17

18

19 20

21

22

23

24

25

26

27

28

29

30

31

32

33

board of directors or any official of any such irrigation district has neglected or refused to perform any such duty, said district attorney shall so notify the board of county commissioners or the county official required by this act to perform such duty in such case, and, unless such board of county commissioners or such county official shall proceed to the performance of such duty within thirty days after the receipt of such notice the district attorney shall take such action in court as may be necessary to compel the performance of such duty, and said district attorney shall give such notice to other officials, and shall take such action, as may be necessary to secure the performance in their proper sequence of the other duties relating to the levying and collection of assessments, as in this act provided, that for the enforcement of the levying and collection of any assessment hereafter required to be levied and collected for the payment of any debt hereafter incurred, in case complaint shall be made to the attorney-general of the State of Nevada that the district attorney of any county has not performed any duty devolving upon him by the provisions of this section, or that he is not proceeding with due diligence or in the proper manner in the performance of any such duty, the attorneygeneral shall make an investigation, and if it shall be found that such charge or charges are true, said attorney-general shall take such measures as may be necessary to enforce the performance of the duties relating to the levying and collection of assessments, as in this act provided.

SEC. 70. If as the result of the neglect or refusal of any official or officials to perform any duty relating to the levying and collection of assessments, as in this act provided, it shall be impossible for such duty to be performed within the time required and such duty shall subsequently be performed, then the time within which all duties consequent

3

4

5 6

7

8

9 10

11

12 13

14

15

16

17

18

19

20

21

22

23

94

25

26

27

28

29

30

31

32

33

upon the performance of such duty shall be performed shall be extended so as to allow the elapsing of the intervals required by this act to elapse between the performance of such duties, and the assessments herein provided for shall not become delinquent for at least thirty days after the first publication of the notice that such assessments are due and payable, as provided in section seventy-four of this act.

Sec. 71. In the event any land within said district subject to assessment for the purposes of the district has not been assessed by the county assessor or does not appear upon the county assessment roll adopted by said board of county commissioners as the basis of assessment for the district, the land so omitted belonging to any person, association, corporation, or municipality shall be forthwith assessed by the county assessor upon an order of the board of county commissioners and a description of the property so omitted shall be written in the roll prepared for the purpose of district assessments. In such case, before any assessment is levied, the board of county commissioners must meet and equalize said assessment with that of the assessment of other lands in said district. The same notice shall be given by the board of county commissioners of such meeting for the purpose of equalizing the assessment to be made as herein directed as is provided in this act to be given by the board of directors of an irrigation district when the said board is to meet for the purpose of equalizing assessments. All the powers and duties respecting the collection of all assessment on possession of, claim to, or right to the possession of land now provided by the revenue laws of this state as regards county assessors shall apply, so far as applicable to irrigation district assessors.

Sec. 72. Whenever any tolls and charges for the use of water have been fixed by the board of directors, it shall be

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18 19

20

21

2223

24

25

26

27

28

29

30

31

32

33

lawful to make the same payable in advance, and in ease any such tolls or charges remain unpaid at the time hereinbefore specified for levying the annual assessment the amount due for such tolls and charges may be added to and become a part of the assessment levied upon the land upon which the water for which such tolls or charges are unpaid was used.

Sec. 73. The assessment upon land is a lien against the property assessed from and after the first Monday in March for any year.

Sec. 74. On or before the first day of November, the secretary must deliver the assessment book to the collector of the district, who shall within twenty days publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable and will become delinquent at six o'clock p. m. on the last Monday of December next thereafter, and that unless paid prior thereto ten per cent will be added to the amount thereof, and also the time and place at which payment of assessments may be made, which notice shall be published for the period of two weeks. The collector must attend at the time and place specified in the notice to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessment in the assessment book, opposite the name of the person paying, and give a receipt to such person, specifying the amount of the assessment and the amount paid, with the description of the property assessed. On the last Monday in December at six o'clock p. m. of each year, all unpaid assessments are delinquent and thereafter the collector must collect thereon, for the use of the district, an addition of ten per cent.

SEC. 75. The board of directors may at any time after any assessment has become delinquent direct the collector not to proceed with the sale of any property on the delinquent

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

2021

22

23

 $\frac{24}{25}$

26

2728

29

30

31

32

33

list, but to bring suit against the delinquent in the proper court in the name of the district to enforce such collection. The provisions of the civil practice act relating to pleadings, proofs, trials and pleas are hereby made applicable to the proceedings herein provided for, and in such suit the district may recover the amount of said assessments together with the penalties and interests, provided in this act, and costs of suit.

PUBLICATION OF DELINQUENT NOTICE

On or before the first day of February, the collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due opposite each name and description. He must append to and publish with the delinquent list a notice that, unless the assessments delinquent, together with costs and percentage, are paid, the real property upon which assessments are a lien will be sold at public auction. The publication must be made once a week for three successive weeks, in a newspaper published in the county in which the property delinquent is situated; provided, that if any property assessed to the same person or corporation shall lie in more than one county, then such publication may be made in any county in which any portion of such property may lie. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twentyeight days from the first publication, and the place must be at some point designated by the collector, within the district; provided, however, that if there should occur any error in the publication of the sale of the delinquent property, which might invalidate a sale made thereunder, and such error is discovered prior to the sale thereunder, the collector shall at once republish the sale of the property affected by such

3

4

5

6

7

8

9

10 11

12

13

1415

16 17

18

19

20

2122

23

 $\frac{24}{25}$

26

27

28 29

30

31

32 33 error, making such republication conform to the provisions of this law, and the time of sale designated in such republication must not be less than twenty-one nor more than twenty-eight days from the first republication; and the place of sale must be at some point designated by the collector within the district, and stated in such republication.

SALE FOR DELINQUENT ASSESSMENTS

Sec. 77. The collector must collect, in addition to the assessments due on the delinquent list, and ten per cent added, fifty cents on each lot, piece or tract of land separately assessed. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the collector, between the hours of ten a. m. and three o'clock p. m., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically, or in the numerical order of the lots or blocks, until completed. He may postpone the day of commencing the sales, or the sale, from day to day, but the sale must be completed within three weeks from the day first fixed; provided, that if any sale or sales shall be stayed by legal proceedings, the time of the continuance of such proceedings is not part of the time limited for making such sale or sales; and provided further, that in any district where the validity of any assessment shall be in litigation at the time this act shall take effect, the sale of any property, whether it be involved in such litigation or not, may be postponed for a time not to exceed four months.

SEC. 78. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate, in writing, to the collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the collector may designate it and the person who will take the least quantity

2 3

4

5

6

7 8

9

10

1112

13

14

15

16

17

18

19

20

21

22

23

2425

26

27

28

29

30

31

32

33

of the land, or in case an undivided interest is assessed, then

the smallest portion of the interest, and pay the assessments

and costs due, including two dollars for the duplicate certifi-

cate of sale, is the purchaser. If the purchaser does not pay the assessments and costs before ten o'clock a. m. the following day, the property on the next sale day must be resold for the assessments and costs. But in case there is no purchaser in good faith for the same on the first day that the property is offered for sale, then, when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district within which such lands are situated, as the purchaser, and the duplicate certificate delivered to the treasurer of the district, and filed by him in his office. No charge shall be made for the duplicate certificate where the district is the purchaser, and, in such case, the collector shall make an entry "Sold to the District." and he shall be credited with the amount thereof in his settlement. An irrigation district as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to the right of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and secretary of said board; provided, that authority to so convey must be conferred by resolution of the board entered on its minutes, fixing the price at which such sale may be made, and such conveyance shall not be made for a less sum than the reasonable market value of such property. Sec. 79. After receiving the amount of assessments and costs, the collector must make out in duplicate a certificate dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the

amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the collector, and one copy delivered to the purchaser, and the other filed in the office of the county recorder of the county in which the land is situated.

Sec. 80. The collector, before delivering any certificate, must, in a book enter a description of the land sold, corresponding with the description in the certificate, the date of the sale, purchasers' names, and amount paid, regularly number the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use. On filing the certificate with such county recorder, the lien of the assessments vests with the purchaser, and is only divested by the payment to him, or to the collector for his use, of the purchase money, and two per cent per month from the day of sale until redemption.

REDEMPTION OF PROPERTY SOLD FOR DELINQUENT ASSESSMENTS

SEC. 81. A redemption of the property sold may be made by the owner, or any party in interest, within five years from the date of purchase, or at any time thereafter before a deed has been made and delivered. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the collector he must credit the amount paid to the person named in the certificate, and pay it, on demand, to the person or his assignees. In each report the collector makes to the board of directors, he must name the person entitled to redemption money, and the amount due each. On receiving the certificate of sale, the county recorder must file it and make an entry in a book similar to that required of the collector. On the presentation of the receipt of the person named in the certificate, or of the collector for his use, of the total amount of the redemption

money, the recorder must mark the word "Redeemed," the date, and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the collector, or his successor in office, upon demand, must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption; provided, that where property has been sold to the district it may be redeemed as herein provided, at any time before the district has disposed of the same. The collector shall receive from the purchaser, for the use of the district, two dollars for making such deed.

SEC. 82. The five-year period herein prescribed for the redemption of properties sold for delinquent taxes shall not operate as a bar to the dissolution of any irrigation district. If any land has been sold for delinquent taxes of a district in process of dissolution, or in a district which has been dissolved and the time allowed for redemption has not expired, the owner of such property or anyone in interest may redeem the same by paying the amount due thereon, computed as provided in section 46 of this act, to the county treasurer, who must issue his receipt therefor, and upon the presentation of such receipt the county recorder must cancel the certificate of sale in the manner required in the preceding section.

In the event any land has been sold for nonpayment of taxes as herein provided, and no redemption has been made within five years from the date of purchase in any district which may have been dissolved before the expiration of said redemption period, then a deed for the property sold and described in the certificate of sale must be made to the pur-

4 5

 $\cdot 33$

chaser upon demand by the county treasurer of the county in which said irrigation district is or was situated. Such deed shall contain all the recitals of the certificate of sale, and in addition thereto, a recital that the district has been dissolved and a deed executed in pursuance of the authority given by this section. A deed so executed shall have the same force and effect as if executed by the collector of an irrigation district.

SEC. 83. The matter recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is *prima facie* evidence that: (a) The property was assessed as required by law; (b) the property was equalized as required by law; (c) that the assessments were levied in accordance with law; (d) the assessments were not paid; (e) at a proper time and place the property was sold as prescribed by law, and by the proper officer; (f) the property was not redeemed; (g) the person who executed the deed was the proper officer.

Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessment by the assessor. inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein free of all incumbrances, except when the land is owned by the United States, or this state, in which case it is *prima facie* evidence of the right of possession.

SEC. 84. The assessment book or delinquent list, or a copy thereof, certified by the collector, showing unpaid assessments against any person, or property, is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount of assessments due and unpaid, and that all the forms of the law in relation to the assessment and levy of such assessments have been complied with.

 2

3

4 5

6

7

8

9

11

12

13

14

15

16 17

18

19

20

21

22

2324

25

2627

28 29

30

31

32 33 Sec. 85. When land is sold for assessments correctly imposed, as the property of a particular person, no misnomer of the owner, or supposed owner, or other mistake relating to the ownership thereof, affects the sale, or renders it void, or voidable.

SEC. 86. On the first Monday in each month the collector must settle with the secretary of the board for all moneys collected for assessments, and pay the same over to the treasurer; and within six days thereafter he must deliver to and file in the office of the secretary a statement under oath, showing: (a) An account of all his transactions and receipts since his last settlement; (b) that all money collected by him as collector has been paid. The collector shall also file in the office of the secretary, on said first Monday in each month, the receipt of the treasurer for the money so paid.

REDEMPTION OF BONDS AND PAYMENT OF INTEREST

Sec. 87. Upon the presentation of the coupons due, to the treasurer, he shall pay the same from the bond fund. When ever said fund shall amount to the sum of ten thousand dollars in excess of an amount sufficient to meet the interest coupons due, the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising in the manner hereinbefore provided for the sale of bonds, for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted; provided, that no bond shall be redeemed at a rate above par. In ease the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the

3

4 5

6

7

8 9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

treasurer, under direction of the board, in United States bonds, or the bonds of the state, which shall be kept in said "bond fund," and may be used to redeem said district bonds whenever the holders thereof may desire.

CONSTRUCTION OF WORKS

SEC. 88. After adopting a plan for such canal or canals, storage reservoirs, and works, as in this act provided for, the board of directors shall give notice, by publication thereof not less than twenty days in one newspaper published in each of the counties composing the district (provided, a newspaper is published therein), and in such other newspapers as they may deem advisable, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as soon as convenient thereafter the board shall let said work, either in portions or as a whole, to the lowest responsible bidder; or they may reject any or all bids and readvertise for proposals. or may proceed to construct the work under their own superintendence. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for twenty-five per cent of the amount of the contract price, conditioned for the faithful performance of said contract. The work shall

3

4

5

6

7

8

9

10

11

12

13

14

15

16 17

18

19

20

21

22

2324

25

26

27

28

29

30 31

32

33

be done under the direction and to the satisfaction of the engineer, and be approved by the board.

Sec. 89. During the construction of any irrigation works to be paid for out of the proceeds of any bond issue which has been certified by the state irrigation district bond commission as provided in the act creating said commission, the state engineer shall have access to all plans, specifications, and records of such construction, and shall from time to time make such investigations and such reports to the board of directors of the district as he shall deem to be in the interest of the public or of the district.

Sec. 90. No claim shall be paid by the treasurer until allowed by the board, and only upon a warrant signed by the president and countersigned by the secretary; provided, that the board may draw, from time to time, from the construction fund, and deposit in the county treasury of the county where the office of the board is situated any sum in excess of the sum of twenty-five thousand dollars. The county treasurer of said county is hereby authorized and required to receive and receipt for the same, and place the same to the credit of said district, and he shall be responsible upon his official bond for the safe-keeping and disbursement of the same, as in this act provided. He shall pay out the same, or any portion thereof, to the treasurer of the district only, and only upon the order of the board, signed by the president, and attested by the secretary. The said county treasurer shall report, in writing, on the second Monday in each month, the amount of money in the county treasury, the amount of receipts for the month preceding and the amount or amounts paid out; said report shall be verified and filed with the secretary of the board. The district treasurer shall also report to the board, in writing, on the first Monday in each month, the amount of money in the district treasury,

 $\frac{1}{\cdot 2}$

3

4 5

6

7 8

9

10 11

12

13

1415

16 17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

the amount of receipts for the month preceding, and the amount and items of expenditures, and said report shall be verified and filed with the secretary of the board.

Sec. 91. During the construction of any work to be paid for out of the proceeds of the sale of any bonds of any irrigation district within this state, the secretary of the board of directors shall, within one week after each regular meeting of said board, forward to the state engineer copies of all reports made to said board as to the progress of said work and a statement of the amounts paid for the doing of any part of said work. Immediately after the publication of the statement of the financial condition of any irrigation district within this state, required by section 14 of this act to be made annually, the board of directors of said district shall cause a copy of said statement and a report stating the general condition of any works constructed or acquired by said district and whether or not the plan of irrigation adopted by the district is being successfully carried out and any other matters which the board may deem proper, to be forwarded to the state engineer, who shall examine said statement and report and make to said board such recommendations and comments as he may deem proper. The state engineer may at any time make or cause to be made an examination of the affairs of any irrigation district within this state or call upon the authorities of such district for such information as he may desire and make such report thereon as he may deem advisable.

TOLLS AND CHARGES

Sec. 92. The eost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund; provided, however, that when any lands, waters, water rights or other property shall be acquired by the dis-

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

 $\frac{21}{22}$

23

2425

26

27

28

29

30

31

32

33

trict by any lease or contract, under the terms of which the consideration or rental shall be payable in such installments that a like amount shall be payable in each year of the life of such lease or contract, then such rental or consideration shall be paid out of the funds derived from the levying of annual assessments, or from the collection of rates, tolls and charges fixed and collected as hereinafter provided for. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair and improvement of such portions of such canal and works as are completed and in use, including salaries of officers and employes, and installments of rental or consideration accruing under any lease or contract, as hereinabove in this section mentioned, the board may in lieu (either in part or in whole) of levying assessments as herein provided for, fix rates of toll and charges, for irrigation and other public uses declared by this act and collect the same from all persons using said canal for irrigation and other purposes.

SEC. 93. The board of directors shall have power to construct the said works across any stream of water, water course, street, avenue, highway, railway, canal, ditch, or flume which the route of said canal or canals may intersect or cross, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersections and crossings, and grant the privileges aforesaid; and if such railroad company and said board, or the owners and controllers of the said property, thing, or franchise so to be crossed, cannot agree upon the amount to be paid therefor, or the points or the manner of said cross-

3

 $\frac{4}{5}$

6

7

8 9

10

11 12

13 14

1516

17

18 19

 $\frac{20}{21}$

2223

24

25

26

27

28

29

30

31

32

33

ings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land. The right of way is hereby given, dedicated, and set apart, to locate, construct, and maintain said works over and through any of the lands which are now or may be the property of this state; and also there is given, dedicated, and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this state within the district.

GOVERNING DIRECTORS

Sec. 94. The directors when sitting as a board or acting under the orders of the board shall each receive not to exceed four dollars per day and ten cents per mile for each mile actually traveled from his place of residence to the office of the board, and actual and necessary expenses paid while engaged in official business under the order of the board; provided, that in irrigation districts containing five hundred thousand acres or more the directors, in lieu of said per diem. shall each receive a salary of one hundred and fifty dollars per month. The board shall fix the compensation to be paid to all officers named in this act, to be paid out of the treasury of the district; provided, that said board shall, upon the petition of at least fifty freeholders within such district therefor, submit to the electors at any general election a schedule of salaries and fees to be paid hereunder, which may include the salary or per diem to be paid to the directors. Such petition must be presented to the board not less than twenty days nor more than forty days prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act.

SEC. 95. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or

 2

3

 $\frac{4}{5}$

6

7

8

9

11

12

13 14

15

1617

18

19

20

2122

23

2425

26

27

28

29

30

31 32 in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SPECIAL ASSESSMENTS

Sec. 96. The board of directors may, at any time, when in their judgment it may be deemed advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this act. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section 45 of this act. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such elections the ballots shall contain the words "Assessment-Yes" or "Assessment-No." If two-thirds or more of the votes cast are "Assessment-Yes," the board shall, at the time of the annual levy hereunder, levy an assessment sufficient to raise the amount voted; provided, however, that in case of an unexpected emergency by which the flow of water in the canal or other supply is interrupted, the amount of the indebtedness, incurred in the repair of the works of said district, caused by such interruption, not to exceed in any one year forty thousand (\$40,000) dollars, may also, in addition to the assessments hereinbefore provided for, be levied by the adoption of a resolution by at least four-fifths of the members of the board of directors, at the time of the levying of the annual assessment provided for in this act, without the

3

4

5 6

7

8

10

11 12

13

14 15

16

17

18

19 20

2122

23

24

 $\frac{25}{26}$

27

28

29

30

31

32

33

submission of the question of such levy to a vote, as in this section hereinbefore provided.

RATE OF ASSESSMENT

Sec. 97. The rate of assessments levied under the provisions of this act shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district as it appears on the assessment roll for the current year, and then dividing the sum voted by the remainder of such aggregate assessed value. The assessment so levied shall be computed and entered on the assessment roll by the secretary of the board, and collected at the same time and in the same manner as other assessments provided for herein; and when collected shall be paid into the district treasury for the purposes specified in the notice of such special election.

INCURRING INDEBTEDNESS

The board of directors or other officers of the Sec. 98. district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, except that for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the collection of the first assessment, incur indebtedness in such sum or sums as shall amount to two thousand dollars, or, if the district shall contain more than four thousand acres, to one-half as many dollars as there are acres of land in the district, and may cause warrants of the district to be issued therefor, bearing interest at not more than seven per centum per annum, said rate to be fixed by the board of directors, and all such warrants must be made payable not later than the first day of January after the first assessment shall be levied in the district issuing such war-

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16 17

18

19

20

21

22

23

 $\frac{24}{25}$

26

2728

29

30

31

32 33 rants; and provided, further, that nothing contained in this section shall be construed as limiting the right of the board to enter into any contract or lease for any lands, waters, water rights or other property, as in this act provided for, and by such lease or contract to bind the district for the payment of the rental or consideration specified in such lease or contract.

Sec. 99. Whenever any warrant of the district payable on demand is presented to the treasurer for payment when funds are not available for the payment thereof, it shall thereafter draw interest at a rate to be determined by resolution of the board of directors, not, however, to exceed seven per centum per annum, until public notice is given that such funds are available. Upon the presentation of any such warrants for payment, other than warrants issued under the provisions of section 61 hereof, when funds of the district are not available to pay the same, the treasurer of the district shall endorse thereon the words "funds not available for payment," with the date of presentation and shall specify the interest that such warrants shall thereafter bear and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment. Whenever there is sufficient money in the treasury to pay all such outstanding warrants presented for payment prior to a certain date, be made and there is sufficient money available for such payments, the treasurer shall give notice in some newspaper published in the district, or, if none is published therein, then in some newspaper published in the county in which the district er any portion thereof is situated or, if none is published in such county, then the treasurer shall post such notice conspicuously in the place in which the board of directors of the

2

3

4

5

6

7

8 9

10

11

12

13

14

15

16

1718

1920

21

22

23

24

25

26

27

28

29

30

31

32

33

district holds its regular meetings, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors, as the case may be, and no further description of the warrants entitled to payment shall be made in such notice. Upon the presentation of any warrant entitled to payment under the terms of such notice, the treasurer shall pay it, together with interest thereon at the rate specified by the board of directors, from the date of its original presentation for payment to the date of the first publication or posting of said notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication or posting of said notice. The treasurer shall enter in the record hereinbefore required to be kept, the dates of the payment of all such warrants, the names of the persons to whom payments are made and the amount paid to each person.

SEC. 100. The board of directors of irrigation districts may acquire, by purchase or condemnation, the irrigation system, canals and works through which lands in such districts have been or may be supplied with water for irrigation, and may exchange bonds of such irrigation district for such system or canals or works or for any portion thereof, or for any interest therein or for the capital stock of any corporation owning such system or any portion thereof, upon such terms and conditions as the said board of directors may deem best.

SEC. 101. The board of directors of irrigation districts having an area of more than 500,000 acres may acquire, by purchase or condemnation, the irrigation system, canals and works through which lands in such districts have been supplied with water for irrigation and where a part of such sys-

tem, canals or works lies outside of the State of Nevada, may exchange bonds of such irrigation district for such system or canals or works or for any portion thereof, whether within Nevada or in such foreign territory, or for any interest therein or for the capital stock of any corporation owning such system or any portion thereof lying outside of the State of Nevada, upon such terms and conditions as the said board of directors may deem best.

SEC. 103. Any one of the several divisions of a district may provide for the construction of local drains, laterals or other improvements, or the replacement or extension of existing works or structures, the benefits of which are limited to such division, in the following manner: Upon presentation to the board of directors of the district of a petition, signed by a majority of the electors of such division representing at least one-half of the total acreage thereof, describing in a general way the local matters proposed to be undertaken and naming two electors of such division for local directors thereof, the board of directors of the district shall consider such petition at a regular meeting and if it finds that the law

2

3

4 5

6 7

8

9

10

11 12

13

 $\frac{14}{15}$

16

17

18

19

20

21

22

23

 $\frac{24}{25}$

26

2728

29

30

31

32

33

has been complied with shall approve the same and appoint the electors named in the petition as members of the local board. One shall hold office until his successor is elected at the next biennial district election and qualifies, and the other until his successor is elected at the second biennial district election after his appointment and qualifies. The terms of such local directors shall be determined by lot and their successors shall be elected for four-year terms at the biennial elections. The said two local directors, with the director of the district from that division, shall constitute the local board of such division. and such board may provide for the local undertakings above named; being hereby authorized for that purpose in so far as applicable to exercise the powers and perform the duties granted to or imposed upon the board of directors of the district in connection with its affairs. Such local board shall thereupon prepare plans and estimates of the local undertakings proposed to be accomplished by such division, stating therein whether the funds therefor are to be raised by a single special assessment or the said board is to be authorized to secure the necessary amounts by way of annual assessments extending over a stated number of years, and not in excess of a stated amount per acre; and if the latter method is to be used a general statement of the purposes for which the money is to be raised may be substituted for more explicit plans and estimates. Such plans and estimates or statement shall be filed with the secretary of the district, accompanied by a request of the local board that an election be called in the division to authorize the proposed special assessment or assessments and the construction of the proposed works; thereupon the secretary of the board shall give notice of the purpose, time and place of such election, naming the polling place, and inspectors and clerks of election suggested by the local board; such notice to be published and election to be

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

2425

26

27

28

29

30

31

held, as near as may be, as provided in this act for an election for special assessments in the district. If such election fail of the required two-thirds vote of the electors of the division. the terms of office of the local directors shall thereupon terminate and the said local board shall be dissolved. the special assessment or assessments and construction of the proposed works be authorized at such election, the local board shall levy such assessments, or, as the case may be, shall proceed to the levying of annual assessments, and a list of such. assessments or the first annual assessment, if to be made that year, shall be delivered to the treasurer of the district and by him entered in the assessment book or books thereof, and such assessment or assessments and the collection thereof shall thereafter take the course of assessments of the district as in this aet provided. All the above-described proceedings relating to the local undertakings of a division, including apportionment of benefits for undertakings authorized by special election, may be confirmed in court as a part of the confirmation proceedings, or upon petition of the board of directors of the division. Each member of the local board of a division shall receive three dollars per day for each day in attending meetings of the board, or while engaged in official business under the order of the board. When the local undertakings above provided for are accomplished and paid for, a showing to that effect shall be made to the board of directors of the district, and upon the approval thereof by such board the terms of office of the local directors shall terminate, and any moneys of such division in the district treasury shall be appropriately credited to the lands of the division in connection with future assessments against such lands.

GOVERNING THE APPORTIONMENT OF WATER

SEC. 104. In case the volume of water in any stream or river shall not be sufficient to supply the continual wants of the entire country through which it passes, and susceptible of irrigation therefrom, then it shall be the duty of the state engineer, constituted as hereinafter provided, to apportion, in a just and equitable proportion, a certain amount of said water upon certain or alternate weekly days to different localities, as they may, in their judgment, think best for the interest of all parties concerned, and with due regard to the legal and equitable rights of all. Said state engineer shall consist of the chairman of the board of directors of each of the districts affected.

SEC. 105. It shall be the duty of the board of directors to keep the water flowing through the ditches under their control to the full capacity of such ditches in times of high water.

SEC. 106. Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal, or ditch from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, canal, or ditch, or the waters therein, unless previous compensation be ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public uses.

EXEMPTION FROM TAXATION—CREATION OF FUNDS

SEC. 107. The rights of way, ditches, flumes, pipe-lines, dams, water rights, reservoirs, and other property of like character, belonging to any irrigation district, shall not be taxed for state and county or municipal purposes.

Sec. 108. The following funds are hereby created and established, to which the moneys properly belonging shall be

9

3

4

5

6

7

8

9

10

11

12

13

14 15

16

17

18 19

20

21

2223

 $\frac{24}{25}$

26

2728

29

30

31

32

33

apportioned. to wit: Bond Fund, Construction Fund, General Fund.

SEC. 109. Whenever an object for which money has been specifically provided by assessment or by bond issue has been accomplished and any money provided therefor remains unexpended, the same shall in the discretion of the board of directors be transferred to the general fund and thereafter be available for any of the purposes of this act.

CONFIRMATION PROCEEDINGS

The board of directors may, at any time after the issue of any bonds or the levy of any assessment herein provided for, bring an action in the district court of the county wherein is located the office of such board, to determine the validity of any such bonds or such levy of assessments; such action shall be in the nature of a proceedings in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds or assessments. Such action shall be speedily tried and judgment rendered declaring such matter so contested either valid or invalid. Either party may have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Sec. 111. If no such proceeding shall have been brought

by the board of directors, then, at any time within thirty

days after the levy of any assessment or issue of any bonds under the provisions of this act, any district assessment-paver may bring an action in the district court of the county where the office of the board of directors is located, to determine the validity of any such assessment or such bonds. The board of directors shall be made parties defendant, and service of summons shall be made on the members of the board person-ally. Said board shall have the right to appear and contest such action. Such action shall be speedily tried, with the right of appeal to either party, within the time and manner herein provided for the bringing of actions by the board to determine such matters. Such appeal shall be heard and determined in the manner and within the time therein pro-vided.

Sec. 112. If more than one action shall be pending at the same time concerning similar contests in this act provided for, they shall be consolidated and tried together.

SEC. 113. The court hearing any of the contests herein provided for, in inquiring into the regularity, legality, or correctness of such proceedings, must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the civil practice act, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention. The costs on any hearing or contest herein provided for, may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court.

SEC. 114. No contest of anything or matter herein provided shall be made other than within the time and manner

2

3

4

56

7

8

9

10

11

12

13

14

15

16 17

18

19 20

21

22

2324

25

26

27

28

29

30

31

32

33

herein specified, and in any such action all findings of facts or conclusions of said board of directors, or of the board of county commissioners upon all matters shall be conclusive, unless such action was instituted within six months after such finding or conclusion was made.

SEC. 115. For any wilful violation of any express duty herein provided for, on the part of any officer herein named, he shall be liable upon his official bond, and be subject to removal from office, by proceedings brought in the district court of the county wherein the office of the board of directors of the district is located, by any assessment-payer of the district.

EXCLUSION OF LANDS

Sec. 116. The boundaries of any irrigation district now organized or hereafter organized under the provisions of this act, may be changed, and tracts of land which were included within the boundaries of such district at or after its organization under the provisions of said act, may be excluded therefrom, in the manner herein prescribed; but neither such change of the boundaries of the districts nor such exclusion of lands from the district shall impair or affect its organization, or its right in or to property, or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which said district was and may become liable or chargeable, had such change of its boundaries not been made, or had not such land been excluded from the district. Sec. 117. The owner or owners in fee of one or more

tracts of land which constitute a portion of an irrigation district may jointly or severally file with the board of directors of the district a petition, praying that such tract or tracts, and any other tracts contiguous thereto, may be excluded and taken from said district. The petition shall state the grounds

3

4 5

6

7

8 9

10

11 12

13

14

15

1617

18

19

20

21

2223

24

25

26

27

28

29

30

31

32

and reasons upon which it is claimed that such lands should be excluded, and shall describe the boundaries thereof, and also the lands of such petitioner or petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in the case of conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

Sec. 118. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the change of boundaries of said district, as proposed in such petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be

3

4

5

6

7

8

9

10

11

12

13

14

15

16 17

18 19

20

21

22

23

24

2526

27

28

29

30

31

32

33

the regular meeting of the board next after the expiration of the time for the publication of the notice.

Sec. 119. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. Such evidence shall be taken down in shorthand, and a record made thereof and filed with the board. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said board, to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof from said district; and the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceeding shall be paid by the person or persons filing such petition.

SEC. 120. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interest of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board

3

4

5

6 7

8

9 10

11

12

13

14

15

16

17

18

19

20

2122

23

24

2526

27

28

29

30

31

32

deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said lands, or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; provided, that it shall be the duty of said board to so order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom, which cannot be irrigated from, or which are not susceptible to, irrigation from a common source or by the same system of works with the other lands of said district, or from the source selected. chosen, or provided, or the system adopted for the irrigation of the lands in said district, or which are already irrigated. or entitled to be irrigated, from another source or by another system of irrigation works; provided, that no land irrigated by means of water, pumped from an underground source or sources shall be entitled to exclusion from any irrigation district on account of being so irrigated, if it shall be shown that such land is or will be substantially benefited by subirrigation from the works of said district or by drainage works provided or required by law to be provided by said district, but no owner of land in any irrigation district shall be required to pay any assessment except for the payment of interest and principal due on bonds of the district, on any land in such district which, when the district was organized, was irrigated by means of water pumped from an under-

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

ground source or sources and has continued each year to be irrigated exclusively by such means.

Sec. 121. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said board, or the decree of the district court as hereinafter provided, may be excluded from the district; and if said lands or any portion thereof, be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the board, and must be recorded in the minutes of the board; and said minutes, or a copy thereof, certified by the secretary of said board, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the county recorder of the county wherein said lands are situated.

SEC. 122. In the event that said board of directors shall exclude any lands from said district upon petition therefor, it shall be the duty of the board of directors to make an entry in the minutes of the board, describing the boundaries of the district, should the exclusion of said lands from said district change the boundaries of said district, and for that purpose the board may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land, certified by the president and secretary

2 3

 $\frac{24}{25}$

of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; but said district, notwithstanding such exclusion, shall be and remain an irrigation district as fully, to every intent and purpose, as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

SEC. 123. If the lands excluded from any district under this act shall embrace the greater portion of any division or divisions of such district, then the office of director for such division or divisions shall become and be vacant at the expiration of ten days from the final order of the board excluding said lands; and such vacancy or vacancies shall be filled by appointment by the board of county commissioners of the county where the office of such board is situated, from the district at large. A director appointed as above provided, shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

Sec. 124. At least thirty days before the next general election of such district, the board of directors thereof shall make an order dividing said district into three or five divisions, as the case may require, as nearly equal in size as may be practicable, which shall be numbered first, second, third, and so on, and one director shall be elected by each division. For the purposes of elections in such district, the said board of directors must establish a convenient number of election precincts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board of directors may deem necessary.

Sec. 125. A guardian and executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor, or administrator,

 2

3

 $\frac{4}{5}$

6 7

8

9

10

11 12

13

14

15

16

17

18

19

20

21

22

23

 $\frac{24}{25}$

26

27

28

29

30 31

32

33

is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereto properly authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act provided, why the boundaries of the district should not be changed.

Nothing in this act provided shall, in any man-Sec. 126. ner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of said petition for the exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien, and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order or decree of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said irrigation district the same as though said petition for its exclusion had never been filed or said order or decree of exclusion never made; and all provisions which may have been resorted to to compel the payment by said lands of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of its quota and portion of said outstanding obligation of said irrigation district for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the filing with the board of directors of

2 3

4

5 6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

2223

 $\frac{24}{25}$

 $\frac{26}{27}$

28

29

30

31

32

33

said district of the petition for the exclusion of said lands from the said district; *provided*, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as herein provided.

INCLUSION OF LANDS

SEC. 127. The boundaries of any irrigation district now organized or hereafter organized under the provisions of this act may be changed in the manner herein prescribed; but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made.

Sec. 128. The holder or holders of title, or evidence of title, representing one-half or more of any body of lands adjacent to the boundary of an irrigation district, which are contiguous, and which, taken together, constitute one tract of land, may file with the board of directors of said district a petition, in writing, praying that the boundaries of said district may be so changed as to include therein said lands. The petition shall describe the boundaries of said parcel or tract of land, and shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners, respectively, of distinct parcels, but such descriptions need not be more particular than they are required to be when such lands are entered by the county assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion within said district of the parcels or tracts of land described in the petition, and of which said petition alleges they are, respectively, the owners;

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16 17

18

19

20

21

22

23

24

25

 $\frac{26}{27}$

28

29

30

31

32

33

and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

The secretary of the board of directors shall Sec. 129. cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notices of special elections for the issue of bonds are required by this act to be published. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or that may be affected by such change of the boundaries of the district, to appear at the office of said board, at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated cost of all proceedings under this act.

SEC. 130. The board of directors, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all the objections thereto, presented in writing by any person showing cause as aforesaid, why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district or in the matter of the proposed change of its boundaries to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18 19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they may include the whole or any portion of the lands described in said petition.

SEC. 131. The board of directors to whom such petition is presented, may require as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board), as said petitioners or their grantors would have been required to pay to such district as assessments, had such lands been included in such district at the time the same was originally formed.

Sec. 132. If the board of directors deem it for the best interest of the district that the boundaries of said district be changed and if no person interested in said district or the proposed change of its boundaries show cause, in writing, why the proposed change should not be made, or, having shown cause, withdraws the same, the board shall order that the boundaries of the district be so changed as to include therein the lands mentioned in said petition or some part * thereof. The order shall describe the boundaries as changed and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made; and for that purpose the board may cause a survey to be made of such portions of such boundary as is deemed necessary; provided, however, that any public land of the United States of America adjoining the boundaries of any irrigation district may be included within the boundaries of any such irrigation district by order or resolution of the board of directors of such district without any petition being filed asking for such inclusion; and provided, further, that when

3

4 5

6 7

8

9

10

11

12

13

14

15

16 17

18

19

20

21

22

23

2425

26

2728

29

30

31

32

33

additional land is included within any irrigation district and the board of directors of such district finds either that such inclusion without condition would work an injury to the land already in the district either by an impairment of water right or by requiring a greater expense for furnishing water to the lands proposed to be included, the board may prescribe conditions upon such inclusion of land, either by providing for priority of right to water or for the payment of an additional annual charge or such other conditions as may to the board seem just. If such inclusion is upon petition of property owners all such property owners must sign and acknowledge an agreement with the district, specifying such conditions and describing the land so to be included. Such agreement must be recorded in the office of the county recorder of the county in which such lands are situated, together with a certified copy of the order including such lands, and thereupon such lands shall become a part of such irrigation district subject to such conditions.

Sec. 133. If any person interested in said district or the proposed change of its boundaries shall show cause as aforesaid why such boundaries should not be changed and shall not withdraw the same or if the board of directors deem it not for the best interests of the district that the boundaries thereof be changed so as to include therein the lands mentioned in the petition or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the land which will be included within the boundaries of the district when changed, but before calling the election provided for in the next section the board may require an undertaking, with sufficient sureties, from the petitioners that they will pay all of the cost of holding such election for the inclusion of such lands in case such inclusion should be denied.

3

4

5

6 7

8

9

11

12

13

14

15

16

17

18

19

20 21

22

23

 $\frac{24}{25}$

26

27

28 29

30

31

32

33

Sec. 134. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by said act in case of a special election to determine whether bonds of an irrigation district shall be issued. The ballots cast at said election shall contain the words "For change of boundary," or "Against change of boundary," or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

SEC. 135. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

SEC. 136. Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the recorder's office

of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain an irrigation district as fully, and to every intent and purpose, as if the lands which are included in the district by the change of boundaries, as aforesaid, had been included therein at the original organization of the district.

SEC. 137. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

SEC. 138. A guardian, an executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act mentioned, why the boundaries of the district should not be changed.

SEC. 139. In case of the inclusion of any land within any district by proceeding under this act, the board of directors must, at least thirty days prior to the next succeeding general election, make an order redividing each district into three or five divisions, as the case may require, as nearly equal in size as may be practicable, which shall be numbered first, second, third, and so on, and one director shall thereafter be elected. by each division. For the purposes of elections, the board of directors must establish a convenient number of election precincts in said districts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board may deem necessary.

2

3

4

5

6

7

8 9

10

11

12

13

14

15

16 17

18

19

20

21

22

2324

25

26

27

28

2930

31

32

33

REDUCTION OF BONDED INDEBTEDNESS

Sec. 140. Whenever the board of directors of an irrigation district heretofore organized, or hereafter organized under the provisions of this act, shall determine that the authorized bonded indebtedness of such irrigation district is greater than such district is liable to need to complete its system as planned, and there be no outstanding bonds, the board of directors may call a special election for the purpose of voting upon a proposition to reduce such bonded indebtedness to such sum as the board may determine to be sufficient for such purpose.

Sec. 141. Notice of the said election shall be given in the same manner as provided in section thirty of said act, in relation to calling special elections for issuance of bonds. The notice of election must state the amount of the authorized bonded indebtedness of such district, and the amount to which it is proposed to reduce the same; also, the date on which said election will be held, and the polling places, as established by said board of directors. The ballots cast at said election shall contain the words "For reducing bonds-Yes," or "For reducing bonds-No." When the vote is canvassed by the board of directors and entered of record, if a majority of the votes cast shall be "For reducing bonds—Yes," then in that event the board of directors shall only be empowered to issue or sell such amount of bonds as was stipulated in the said notice of such special election; but if a majority of votes are not "For reducing bonds—Yes," then the authority to issue bonds shall remain the same as before said special election was held.

Sec. 142. In case there be outstanding bonds of any district desiring to take advantage of the provisions of this act concerning reduction of bonded indebtedness, the assent of such bondholders may be obtained to such reduction of the

 bonded indebtedness, in the same manner as provided in section 79 of this act. If such assent is obtained in the manner therein provided, then, and in that event, such district shall be empowered to take advantage of all the provisions of this act, but not otherwise. No reduction of the bonded indebtedness, as in this act provided, shall in any manner affect any order of court that may have been made, adjudicating and confirming the validity of said bonds.

LEASE OF WATER FOR MECHANICAL PURPOSES

Sec. 143. Whenever any irrigation district, heretofore organized, or hereafter organized under the provisions of this act, in the development of its works as by law provided, may have opportunity without increased expenditure, to utilize the water by it owned or controlled, for mechanical purposes not inconsistent with the provisions of said act, the board of directors may lease the same, as in this act hereinafter provided.

SEC. 144. Whenever the board of directors may desire to lease the use of water, as hereinbefore stated, they shall pass a resolution of intention to so lease the same. Immediately thereafter the secretary shall cause notice of such intention to be given by publication in one newspaper published in each county in which lands of the district are situated, for at least twenty days (provided, a newspaper is published therein, otherwise in any newspaper the board of directors may select), and, if the board thinks proper, in such other newspaper as may be deemed advisable, calling for bids for the leasing of said water for the purposes hereinbefore mentioned. Said notice shall state that the board will receive sealed proposals therefor, that the lease will be let to the highest responsible bidder, stating the time and place of opening said proposals.

Sec. 145. At the time and place appointed the board shall

4 5

proceed to open the proposals in public. As soon thereafter as may be convenient the board shall let said lease in portions, or as a whole, to the highest responsible bidder, or they may reject any and all bids, and readvertise for proposals for the same.

SEC. 146. The rental accruing upon said lease may vary from year to year, as shall be specified in said lease, and shall be payable semiannually, on the thirteenth day of December and thirtieth day of June, of each year. All moneys collected, as in this act provided, shall be paid into the treasury, and be apportioned to such funds as may be deemed advisable.

SEC. 147. The board shall have power, as in this act provided, to execute a lease for any period not exceeding twenty-five years. If at any time the rental shall not be paid on the days hereinbefore mentioned, the amount of such rental then due shall be doubled, and if not paid within ninety days thereafter, the said lease shall be forfeited to said district, together with any and all works constructed, owned, used, or controlled by said lessee.

SEC. 148. Upon the letting of any lease, as in this act provided, the board may require the lessee to execute a bond for the faithful performance of the covenants of said lease, or give such other evidence of good faith as in their judgment may be necessary.

DESTRUCTION OF UNSOLD BONDS

SEC. 149. Whenever there remains in the hands of the board of directors of any irrigation district heretofore organized, or organized under the provisions of this act, after the completion of its ditch system, and the payment of all demands against such district, any bonds voted to be issued by said district, but not sold, and not necessary to be sold for the raising of funds for the use of such district, said board of directors may call a special election for the purpose

of voting upon a proposition to destroy said unsold bonds, or so many of them as may be deemed best, or may submit such proposition at a general election.

Sec. 150. Such election shall be held in the same manner as other elections held under the provisions of this act. A notice of such election shall be given in the same manner as provided in section thirty of this act in relation to calling special elections for the issuance of bonds. The notice of election must state the amount of the bonded indebtedness of such district authorized by the vote of the district, the amount of the bonds remaining unsold, and the amount proposed to be destroyed, and the date on which such election is proposed to be held, and the polling places as fixed by the board of directors. The ballots to be cast at such election shall contain the words "For destroying bonds-Yes," and "For destroying bonds-No," and the voter must erase the word "No" in case he favors the destruction of bonds, otherwise the word "Yes."

SEC. 151. When the vote is canvassed by the board of directors and entered of record, if a two-thirds majority of the votes east should be found to be in favor of the destruction of said bonds, then the president of the board, in the presence of the majority of the members of the board, must destroy the bonds so voted to be destroyed; and the total amount of bonds so destroyed and canceled shall be deducted from the sum authorized to be issued by the electors of said district, and no part thereof shall thereafter be reprinted or reissued.

Sec. 152. In addition to the powers with which irrigation districts are or may be vested under the laws of the state, irrigation districts shall have the following powers: To cooperate and contract with the United States under the federal reclamation act of June 17, 1902, and all acts amenda-

2

3

4

5

6

7

8

9

10

11 12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

tory thereof or supplementary thereto, or any other act of Congress heretofore or hereafter enacted authorizing or permitting such cooperation, for purposes of construction of works, whether for irrigation or drainage, or both, or for the acquisition, purchase, extension, operation, or maintenance of constructed works, or for a water supply, or for the assumption as principal or guarantor of indebtedness to the United States on account of district lands or for the collection of moneys due the United States as fiscal agents or otherwise.

Sec. 153. The board of directors shall generally perform all such acts as shall be necessary to carry out the enlarged powers in this act enumerated. Said board may enter into obligations or contracts with the United States for the aforesaid purposes, and may provide therein for the delivery and distribution of water to the lands of such district under the aforesaid acts of Congress and the rules and regulations established thereunder. The contract may provide for the conveyance to the United States as partial consideration for the privileges obtained by the district under said contract of water rights or other property of the district; and in case contract has been or may hereafter be made with the United States as herein provided bonds of the district may be transferred to or deposited with the United States, if so provided by said contract and authorized as hereinafter set forth, at not less than ninety-five per cent of their par value to the amount to be paid by the district to the United States or any part thereof; the interest, or principal, or both, of said bonds to be raised by assessment and levy as hereinafter prescribed and to be regularly paid to the United States and applied as provided in said contract. Bonds transferred to or deposited with the United States may call for the payment of such interest, not exceeding six per cent per annum, may be of such denomination, and may call for the repayment of the principal at such times, as may be agreed upon

1

2

2

4

56

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31 32

33

between the board and the secretary of the interior. The contract with the United States may likewise call for the payment of the amount or amounts to be paid by the district to the United States or any part thereof at such times and in such installments and with such interest charges not exceeding the aforesaid rate as may be agreed upon, and for assessment and levy therefor as hereinafter provided, and the obligations of such contracts shall be a prior lien to any subsequent bond issue. Moreover the board may accept on behalf of the district appointment of the district as fiscal agent of the United States, or authorization of the district by the United States to make collection of moneys for or on behalf of the United States in connection with any federal reclamation project, whereupon the district shall be authorized so to act and to assume the duties and liabilities incident to such action, and the said board shall have full power to do any and all things required by the federal statutes now or hereafter enacted in connection therewith, and all things required by the rules and regulations now or that may hereafter be established by any department of the federal government in regard thereto. Districts cooperating with the United States may rent or lease water to private lands, entrymen, or municipalities in the neighborhood of the district in pursuance of contract with the United States. Sec. 154. Any proposal to enter into a contract with the United States for the repayment of construction moneys, the cost of a water supply, the operation and maintenance of

cost of a water supply, the operation and maintenance of existing works, or the acquisition of property, and to issue bonds if any be proposed, shall be voted upon at an election wherein proceedings shall be had in so far as applicable in the manner provided in the case of the ordinary issuance of district bonds. Notice of the election herein provided for

3

4

5

6

7 8

9

10

11

12

13

14

15

16 17

18

19

20

21

2223

24

25

26

27

28

29

30

31

32

33

shall contain, in addition to the information required in the case of ordinary bond election, a statement of the maximum amount of money to be payable to the United States for construction purposes, costs of water supply and acquisition of property, exclusive of penalties and interest, together with a general statement of the property, if any, to be conveyed by the district as hereinabove provided. The ballots at such election shall contain a brief statement of the general purpose of said contract and the amount of the obligation to be assumed. as aforesaid, with the words "Contract—Yes," and "Contract -No," or "Contract and bonds-Yes," and "Contract and bonds—No," as the case may be. The board of directors may submit any such contract or proposed contract and bond issue, if any, to the district court of the county wherein is located the office of said board to determine the validity thereof and the authority of the board to enter into such contract, and the authority for and the validity of the issuance and deposit or transfer of said bonds; whereupon the same proceedings shall be had as in the ordinary case of the judicial determination of the validity of bonds and with like effect.

SEC. 155. All water delivered to the district or the right to the use of which is acquired by the district, under any contract with the United States, shall be distributed and apportioned by the district in accordance with the acts of Congress applicable thereto, the rules and regulations of the secretary of the interior thereunder, and the provisions of said contract, and provision may be made in the contract between the district and the United States for the refusal of water service to any or all lands which may become delinquent in the payment of any assessment, toll or charge levied or imposed for the purpose of carrying out any contract between the district and the United States. In case of

2

3

4 5

6 7

8

9

10

11

12

13

14

15

16

17

18

19 20

21

22 23

24

25

26

27

28

29

30

31 32

33

contract with the United States under which the district assumes the operation and maintenance of the existing works, assessments, tolls and charges may be levied or imposed by the board of directors, as provided in this act to raise the sums required annually therefor, including amounts due the United States under said contract.

SEC. 156. Any rights of way or other property owned or acquired by the district may be conveyed by the board to the United States in so far as the same may be needed for the construction, operation and maintenance of works by the United States pursuant to this act.

Sec. 157. All payments due or to become due to the United States under any contract between the district and the United States, including such payments of interest and principal on bonds as may be required in connection with a deposit or transfer thereof to the United States, shall be paid, unless otherwise provided by contract, by revenue derived from annual assessments, apportioned as hereinafter prescribed, and levies thereof upon such real property within the district as may be accessible for district purposes under the laws of the state or by tolls and charges as the case may be, and such real property shall be and remain liable to be assessed and levied upon for such payments as herein provided. It shall be the duty of the board of directors annually to levy an assessment, or to impose and cause to be collected tolls or charges sufficient to raise the money necessary to meet all payments when due as provided in the contract. All money collected in pursuance of such contract by assessment and levies otherwise, and to be paid to the United States, shall be paid into the district treasury and held in a fund to be known as the "United States Contract Fund," to be used for payments due to the United States under any such contract. Public lands of the United

2

3

4 5

6

7

8

10

11

12 13

14

15

16

17

18 19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

States within any district shall be subject to assessment for all purposes of this act to the extent provided for by the act of Congress approved August 11, 1916, entitled "An act to promote reclamation of arid lands," or any other law which may hereafter be enacted by Congress in the same relation, upon full compliance therewith by the district. Nothing in this act contained shall be construed to relieve the district from obligation to pay as a district in case of default of any land, unless so provided by the said contract between the district and the United States.

Bancroft Library Sec. 158. The board may also provide by contract with the United States for the release of mortgages or liens given or reserved to the United States upon district lands, and may provide for the assumption by the district, either as principal or guarantor, of indebtedness to the United States on account of district lands, and apportion to each tract of land so released, benefits in the amount of the obligations to the United States so provided to be released; and the contract between the district and the United States may provide for the collection and payment of indebtedness so incurred or assumed by the district and the tax or assessment for the same at the same times and in the same amounts or installments provided in the federal reclamation laws, and if so provided in the contract, such taxes and assessments shall become delinquent at the same dates provided in the act of Congress of August 13, 1914 (38 Stats. 686), known as the reclamation extension act, and in that event, if it be provided in the contract that the United States waives any penalties for delinquency other or greater than those named in the said act of Congress of August 13, 1914, then, instead of the penalties otherwise provided in state laws, the penalties for delinquency in the payment of that part of the tax representing the special assessment for payment of the obligations

 $\frac{27}{28}$

named in the said act of Congress of August 13, 1914, and the amount required to be paid in case of any redemption from any tax sale or tax judgment shall be determined by figuring the part thereof due to the United States upon the basis of the amount of such special assessment levied for the purpose of paying the United States plus the penalties named in said act of Congress of August 13, 1914. And the said board shall have full power to do any and all things required by the federal statutes now or hereafter enacted in connection therewith, and all things required by the rules and regulations now or that may hereafter be established by any department of the federal government in regard thereto.

SEC. 159. The assessment required in any year to meet the payment due to the United States under the contract as in this act provided may be in accord with an apportionment of benefits made in or in pursuance of such contract and in the ascertainment of such benefits there shall be taken into account the provisions of the contract between the United States and the district, the federal laws applicable thereto, and the notice and regulations issued in pursuance of said laws, and in case such contract is for the assumption by the district as principal or guarantor of indebtedness to the United States theretofore existing on account of district lands, there shall be further taken into account the provision of existing contracts carrying such indebtedness and the amounts of such liens as may be released in pursuance of the contract between the United States and the district.

SEC. 160. Where contract shall have been entered into between the United States and any irrigation district the district shall not be dissolved, nor shall the boundaries be changed, except upon written consent of the secretary of the interior, filed with the official records of the district. If such

2

3

5

6

7

8

9

10

11

12

13

14

15 16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

consent be given and lands be excluded, the areas excluded shall be free from all liens and charges for payments to become due to the United States. The board of directors of a district is hereby relieved from the duties imposed upon it in sections 15 and 30 of this act in so far as the same may not be required in case of contract between the district and the United States, and in that relation may take advantage of or adopt such surveys and plans as may have been or be made by the United States.

Sec. 161. When an irrigation district comprises lands which are served by works constructed by the United States and the portion of such works situated in a division of the district may be regarded as a separate unit of the larger system for operation and maintenance purposes, or when local drains, laterals, or other improvements may be provided as additions to such works and constitute benefits limited to such division, or when the replacement or extension of such works or some part thereof would constitute benefits limited to such division, a petition signed by the requisite number of electors of such division may be presented to the board of directors of the district and a local board of directors of such division created as provided in this act; whereupon such board of directors shall have the power to contract with the United States for the operation of the existing system aforesaid, or for the construction either by such division or by the United States of local drains, laterals or other improvements and for the operation and maintenance thereof, or for the replacement or extension of existing works or structures and for the operation and maintenance thereof or any separate part of the same; provided, that such contract shall first be authorized by a special election held for the purpose in such division and for the purpose of authorizing the local board of directors to levy an assessment or assessments, as

2

3

4

5

6 7

8

9

10

11

12 13

14

15

16

17 18

19

20

21

22

23

24

25

26

27

28

29

30

31 32

33

provided in this act, to secure the moneys required to carry out said contract, including the amounts that will be due the United States thereunder and that will be required for the construction of the proposed local drains, laterals, or other improvements, or for the replacement and extension of existing works or structures. Where it is proposed that a division shall assume only the operation and maintenance of existing works an election shall he held upon the contract in the same manner, but the local board of directors, after said contract is made in pursuance of the authority granted in such election, shall have the power to levy assessments or impose tolls and charges annually or otherwise to raise the amounts necessary to carry out said contract and to operate and maintain said works, including amounts to be paid to the United States under said contract, in the same manner and to the same effect as can be done by the board of directors of the district under the provisions of this act. Where local drains, laterals or improvements are to be constructed, or existing works or structures replaced or extended, and are thereafter to be operated and maintained by the division, the local board shall have similar power to levy assessments and to impose tolls or charges to raise the money required for such operation and maintenance, including amounts due the United States in that relation. The works described in the contract with the United States shall be constructed, replaced or extended by such local board of directors, and the money raised by such special assessment therefor or for the operation and maintenance thereof shall be collected, kept and disbursed, and the apportionment of benefits made, as in this act provided when a division of the district is authorized to provide for local undertakings, the benefits of which are limited to such division; provided, that the provisions of this act relating to cooperation between a district

and the United States, including those relating to the distribution and apportionment of water and the apportionment of benefits, shall apply in case of contract between the United States and a division of a district in so far as applicable. The execution of such contract with the United States and all proceedings ancillary thereto may be confirmed in court as a part of the confirmation proceedings instituted by the district, or upon petition by the board of directors of the division.

SEC. 162. When an irrigation district comprises lands which are or may be served by works constructed by the United States, and a contract is proposed to be entered into with the United States for the operation and maintenance by the district of the existing works, or for the construction of a drainage system or other extension or improvement of such works, and the lands in a division of the district may be regarded as clearly outside the scope of such contract, the election thereon and for the authorization of the program or undertaking contemplated thereby may be confined to the remaining portion of the district exclusive of such division, and the apportionment of the benefits may be made accordingly; otherwise the proceedings in connection with such contract and the program or undertaking contemplated thereby shall be as heretofore provided in this act.

SEC. 163. In any case where an irrigation district is appointed fiscal agent of the United States in connection with any federal reclamation project, or by the United States, or under contract therewith, is authorized or required to make collection of moneys on behalf of the United States, or for payments due the United States under any such contract, each director of the district, and the secretary and the treasurer thereof, shall execute a further and additional bond in such sum as the secretary of the interior may

require, conditioned for the faithful discharge of the duties of his office, or as fiscal or other agent of the United States, or both; and any such bonds may be sued upon by the United States or any person injured by the failure of such officer or officers of the district to fully, promptly or completely perform their respective duties. This requirement shall apply to the directors of a division, and in so far as applicable to the officers of a district acting in that relation. in case of contract between the United States and such division. In all cases of contracts with the United States as above described the board of directors of the district, or of a division thereof, and the secretary and treasurer of a district, shall at any time allow any officer or employee of the United States, when acting under the order of the secretary of the interior, to have access to all books, records and documents which are in the possession or control of such officers.

171819

20

21

22

23

24

2526

27

28

29

30

31

32 33

1

2

3

4

5 6

7

8

9

11

12

13 14

15

16

SAVING CLAUSES

SEC. 164. Nothing in this act shall be so construed as to affect the validity of any district heretofore organized under the laws of this state, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; but said districts are hereby made subject to the provisions of this act so far as applicable; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for, or upon which it was or might become liable or chargeable had not this act been passed; nor shall it affect the validity of any bonds which have been issued but not sold; nor shall it affect any action which now may be pending.

Sec. 165. Nothing in this act shall be construed as repealing or in anywise modifying the provisions of any other act relating to the subject of irrigation except such as may be contained in this act.

SEC. 166. This act may be referred to in any action, proceeding or legislative enactment as "The Nevada Reclamation and Irrigation District Act" and whenever the words "irrigation district" are or have been used in any action or proceeding in any court or in any act or resolution of the legislature such words shall be construed to mean an irrigation district organized or existing under the provisions of this act.



